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Government
Publications

BILL 48

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

50

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★ APR 13 1972 ★

UNIVERSITY OF TORONTO

An Act to amend The Retail Sales Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. Commencing April 17th, purchasers of draft beer, at whatever price, will be subject to retail sales tax at the rate of 10 per cent.

Subsection 2. The amendment is consequential upon the amendment contained in subsection 1. It makes it clear that draft beer purchased at a price of less than 21 cents will subject the purchaser to tax.

SECTION 2. The section repealed allowed the Minister to pay collectors of tax a remuneration for collecting and remitting the tax. Effective May 1st, 1972, no remuneration will be paid to collectors with respect to tax collected on or after May 1st, 1972.

SECTION 3. Under section 15 of the Act, a notice of assessment may be mailed or delivered personally to a vendor or purchaser. The amendment makes it clear that a vendor or purchaser may file a notice of objection from a notice of assessment which is served on him, provided the notice of objection is filed with the Minister within sixty days from the date of service.

SECTION 4. The amendment makes it clear that for purposes of calculating interest, if a notice of assessment is served personally, the date of service shall be used.

BILL 48

1972

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 49 of subsection 1 of section 5 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, is repealed. ^{s. 5 (1), par. 49, repealed}

(2) Paragraph 57 of subsection 1 of the said section 5 is repealed and the following substituted therefor: ^{s. 5 (1), par. 57, re-enacted}

57. tangible personal property purchased at a price of less than 21 cents, except draft beer.

2. Section 11 of the said Act is repealed.

s. 11,
repealed

3. Subsection 1 of section 19 of the said Act is amended by inserting after "mailing" in the third line "or personal service". ^{s. 19 (1), amended}

4.—(1) Subsection 1 of section 29 of the said Act is amended by inserting after "mailed" in the sixth line "or personally served". ^{s. 29 (1), amended}

(2) Subsection 2 of the said section 29 is amended by inserting after "mailing" in the third line and in the fifth line "or personal service". ^{s. 29 (2), amended}

5.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Section 1 comes into force on the 17th day of April, 1972. *Idem*

(3) Section 2 comes into force on the 1st day of May, 1972. *Idem*

6. This Act may be cited as *The Retail Sales Tax Amendment Act, 1972*. ^{Short title}

An Act to amend
The Retail Sales Tax Act

1st Reading

March 28th, 1972

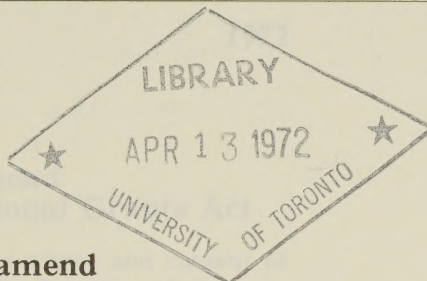
2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

SCHEDULE

Section 7

EXPLANATORY NOTES

The Bill introduces an improved progressive scale of unconditional per capita grant payments to municipalities. This will eliminate the grounds for the criticisms of the unconditional grants program made by the Ontario Committee on Taxation. The total amount of these grants distributed by the Province will be increased as a result of the new scale.

The Bill also provides for recognition, by additional grant payments, of the costs of providing policing in municipalities that maintain their own police forces or pay for regular policing by the Ontario Provincial Police Force.

BILL 49

1972

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Municipal Unconditional Grants Act*, being chapter 293 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(c) “municipality” means a city, town, village or township, but does not include a city, town, village or township situated within a regional or metropolitan municipality.

2. Section 7 of the said Act is repealed and the following substituted therefor:

7. In each year there shall be paid out of the moneys appropriated therefor by the Legislature per capita payments in accordance with the population of each municipality as last determined under this Act in the amounts and to the municipalities set out in the Schedule to this Act.

3. The Schedule to the said Act is repealed and the following substituted therefor:

SCHEDULE

(Section 7)

In recognition of the expenditures that municipalities are required to make to provide municipal services and in recognition of the larger per capita expenditures that municipalities with larger populations are required to make on certain municipal services, the following unconditional per capita grants, to be used to reduce the amount of taxes to be levied on residential and farm assessment:

1. To municipalities,

- (a) having a population of more than 200,000, \$1,342,425 plus \$7.10 per capita for the population exceeding 200,000;
- (b) having a population of more than 100,000 but not more than 200,000, \$647,425 plus \$6.95 per capita for the population exceeding 100,000;
- (c) having a population of more than 75,000 but not more than 100,000, \$477,425 plus \$6.80 per capita for the population exceeding 75,000;
- (d) having a population of more than 50,000 but not more than 75,000, \$311,175 plus \$6.65 per capita for the population exceeding 50,000;
- (e) having a population of more than 25,000 but not more than 50,000, \$148,675 plus \$6.50 per capita for the population exceeding 25,000;
- (f) having a population of more than 20,000 but not more than 25,000, \$116,925 plus \$6.35 per capita for the population exceeding 20,000;
- (g) having a population of more than 15,000 but not more than 20,000, \$85,925 plus \$6.20 per capita for the population exceeding 15,000;
- (h) having a population of more than 10,000 but not more than 15,000, \$55,675 plus \$6.05 per capita for the population exceeding 10,000;
- (i) having a population of more than 7,500 but not more than 10,000, \$40,925 plus \$5.90 per capita for the population exceeding 7,500;
- (j) having a population of more than 5,000 but not more than 7,500, \$26,550 plus \$5.75 per capita for the population exceeding 5,000;
- (k) having a population of more than 4,000 but not more than 5,000, \$20,950 plus \$5.60 per capita for the population exceeding 4,000;
- (l) having a population of more than 3,000 but not more than 4,000, \$15,500 plus \$5.45 per capita for the population exceeding 3,000;

- (m) having a population of more than 2,000 but not more than 3,000, \$10,200 plus \$5.30 per capita for the population exceeding 2,000;
- (n) having a population of more than 1,000 but not more than 2,000, \$5,050 plus \$5.15 per capita for the population exceeding 1,000;
- (o) having a population of not more than 1,000, \$5.05 per capita.

In recognition of the expenditures that some municipalities are required to make to provide police services, the following unconditional per capita grant to be used to reduce the amount of taxes levied on residential and farm assessment:

- 2. To each municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*,

\$1.75 per capita.

- 3. When in any year the aggregate amount determined for a municipality under paragraphs 1 and 2 divided by the population of the municipality as used for such determination is less than the per capita rate of unconditional grant applicable to the municipality in respect of unconditional grant payments in the year 1971, the payment to such municipality shall be determined by multiplying such rate by such population.

4. This Act shall be deemed to have come into force on the 1st day of January, 1972. Commence-
ment

5. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1972*. Short title

An Act to amend
The Municipal Unconditional
Grants Act

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

(Government Bill)

BILL 49

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Municipal Unconditional Grants Act**



THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Municipal Unconditional Grants Act*, being chapter 293 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (c) "municipality" means a city, town, village or township, but does not include a city, town, village or township situated within a regional or metropolitan municipality.

2. Section 7 of the said Act is repealed and the following substituted therefor:

7. In each year there shall be paid out of the moneys appropriated therefor by the Legislature per capita payments in accordance with the population of each municipality as last determined under this Act in the amounts and to the municipalities set out in the Schedule to this Act.

3. The Schedule to the said Act is repealed and the following substituted therefor:

SCHEDULE

(Section 7)

In recognition of the expenditures that municipalities are required to make to provide municipal services and in recognition of the larger per capita expenditures that municipalities with larger populations are required to make on certain municipal services, the following unconditional per capita grants, to be used to reduce the amount of taxes to be levied on residential and farm assessment:

1. To municipalities,

- (a) having a population of more than 200,000, \$1,342,425 plus \$7.10 per capita for the population exceeding 200,000;
- (b) having a population of more than 100,000 but not more than 200,000, \$647,425 plus \$6.95 per capita for the population exceeding 100,000;
- (c) having a population of more than 75,000 but not more than 100,000, \$477,425 plus \$6.80 per capita for the population exceeding 75,000;
- (d) having a population of more than 50,000 but not more than 75,000, \$311,175 plus \$6.65 per capita for the population exceeding 50,000;
- (e) having a population of more than 25,000 but not more than 50,000, \$148,675 plus \$6.50 per capita for the population exceeding 25,000;
- (f) having a population of more than 20,000 but not more than 25,000, \$116,925 plus \$6.35 per capita for the population exceeding 20,000;
- (g) having a population of more than 15,000 but not more than 20,000, \$85,925 plus \$6.20 per capita for the population exceeding 15,000;
- (h) having a population of more than 10,000 but not more than 15,000, \$55,675 plus \$6.05 per capita for the population exceeding 10,000;
- (i) having a population of more than 7,500 but not more than 10,000, \$40,925 plus \$5.90 per capita for the population exceeding 7,500;
- (j) having a population of more than 5,000 but not more than 7,500, \$26,550 plus \$5.75 per capita for the population exceeding 5,000;
- (k) having a population of more than 4,000 but not more than 5,000, \$20,950 plus \$5.60 per capita for the population exceeding 4,000;
- (l) having a population of more than 3,000 but not more than 4,000, \$15,500 plus \$5.45 per capita for the population exceeding 3,000;

- (m) having a population of more than 2,000 but not more than 3,000, \$10,200 plus \$5.30 per capita for the population exceeding 2,000;
- (n) having a population of more than 1,000 but not more than 2,000, \$5,050 plus \$5.15 per capita for the population exceeding 1,000;
- (o) having a population of not more than 1,000, \$5.05 per capita.

In recognition of the expenditures that some municipalities are required to make to provide police services, the following unconditional per capita grant to be used to reduce the amount of taxes levied on residential and farm assessment:

2. To each municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*,

\$1.75 per capita.

3. When in any year the aggregate amount determined for a municipality under paragraphs 1 and 2 divided by the population of the municipality as used for such determination is less than the per capita rate of unconditional grant applicable to the municipality in respect of unconditional grant payments in the year 1971, the payment to such municipality shall be determined by multiplying such rate by such population.
4. This Act shall be deemed to have come into force on ^{Commence-}the 1st day of January, 1972.
5. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1972*. ^{Short title}

An Act to amend
The Municipal Unconditional
Grants Act

1st Reading

March 28th, 1972

2nd Reading

June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



**An Act to amend
The Regional Municipal Grants Act**

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill increases the basic rate of per capita grant payable in Regional and Metropolitan Areas. It also increases the police element of the per capita grant payable in respect of regional and metropolitan police forces and provides for the payment of an additional per capita amount in respect of the costs of providing police services by area municipalities where a regional or metropolitan police force does not exist.

These measures will broadly preserve the existing relationship between regional municipal grants and municipal unconditional per capita grants payable to other municipalities in the Province.

BILL 50

1972

An Act to amend The Regional Municipal Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipal Grants Act*, being ^{s. 2,} chapter 405 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

2. In each year there shall be paid out of the moneys ^{Per capita grants} appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

1. \$8.00 per capita.
2. An amount per capita in accordance with the Schedule based on the density of each area municipality.
3. \$3.25 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*. ^{R.S.O. 1970, c. 351}
4. \$1.75 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

2.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 3 of the said Act are repealed and the following substituted therefor: ^{s. 3 (1) (a-c), re-enacted}

(a) \$8.00;

(b) the per capita amount in relation to the area municipality in accordance with the Schedule based on the density of the area municipality;

R.S.O. 1970,
c. 351

(c) \$3.25 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; and

(d) \$1.75 in relation to each area municipality to which paragraph 4 of section 2 applies.

s. 3 (2),
amended

(2) Subsection 2 of the said section 3 is amended by striking out "amount determined under paragraph 3" in the seventh and eighth lines and inserting in lieu thereof "amounts determined under paragraphs 2 and 4" and by striking out "1, 2 and 4" in the tenth line and inserting in lieu thereof "1 and 3".

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1972.

Short title

4. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1972*.

An Act to amend
The Regional Municipal
Grants Act

1st Reading

March 28th, 1972

2nd Reading

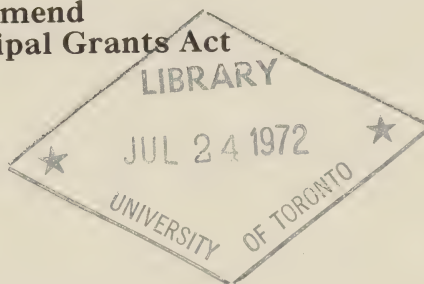
3rd Reading

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

**An Act to amend
The Regional Municipal Grants Act**



THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 50

1972

An Act to amend The Regional Municipal Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipal Grants Act*, being ^{s. 2, re-enacted} chapter 405 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

2. In each year there shall be paid out of the moneys ^{Per capita grants} appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

1. \$8.00 per capita.
2. An amount per capita in accordance with the Schedule based on the density of each area municipality.
3. \$3.25 per capita where a regional municipality is deemed to be a city for the purposes of *The* ^{R.S.O. 1970, c. 351} *Police Act*.
4. \$1.75 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

2.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 3 of the ^{s. 3 (1) (a-c), re-enacted} said Act are repealed and the following substituted therefor:

(a) \$8.00;

(b) the per capita amount in relation to the area municipality in accordance with the Schedule based on the density of the area municipality;

R.S.O. 1970,
c. 351

(c) \$3.25 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; and

(d) \$1.75 in relation to each area municipality to which paragraph 4 of section 2 applies.

s. 3 (2),
amended

(2) Subsection 2 of the said section 3 is amended by striking out "amount determined under paragraph 3" in the seventh and eighth lines and inserting in lieu thereof "amounts determined under paragraphs 2 and 4" and by striking out "1, 2 and 4" in the tenth line and inserting in lieu thereof "1 and 3".

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1972.

Short title

4. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1972*.

An Act to amend
The Regional Municipal
Grants Act

1st Reading

March 28th, 1972

2nd Reading

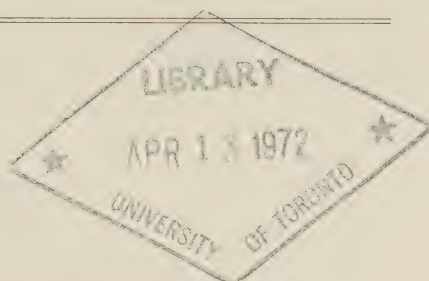
June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 —



The Residential Property Tax Reduction Act, 1972

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Residential Property Tax Reduction Act is repealed, effective the 1st day of January, 1972. The Bill re-enacts those sections of the repealed Act that provide for supplementary tax assistance to certain old age pensioners. Provision is made for reimbursing landlords who have made a *pro rata* payment to tenants vacating in the first two months of 1972, that was based on the tax reduction applicable to the leased premises in the year 1971.

BILL 51

1972

The Residential Property Tax Reduction Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “municipal taxes” means all taxes for municipal and school purposes imposed by a mill rate on rateable property;
- (b) “residential property” means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act* upon which there is a building used or intended to be used as a residence; R.S.O. 1970,
c. 32
- (c) “Treasurer” means the Treasurer of Ontario and Minister of Economics. R.S.O. 1970, c. 414, s. 1 (1), *part, amended.*

(2) Where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year preceding the year for which a payment under subsection 2 of section 2 is sought, he may apply not later than the 31st day of January in the year next following the year for which the payment is sought to the Treasurer and, if the Treasurer is satisfied that this is the case, he shall so advise the applicant, and thereupon such part or parts of such land shall be deemed to have been separately assessed for the purposes of this Act. R.S.O. 1970, c. 414, s. 1 (2), *amended.* Where part
of land
should have
been
separately
assessed

2.—(1) In each year, including the year 1972, the Treasurer shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Treasurer to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). R.S.O. 1970, c. 414, s. 9 (1), *amended.* Supplemen-
tary tax
assistance
to certain
pensioners
R.S.C. 1970,
c. O-6

**Additional
payment**

(2) Where a person is eligible for a payment under subsection 1 and resides in a residential property, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person, subject to subsection 3, is entitled to be paid by the Treasurer for each year, upon submission of an application, in a form prescribed by the Treasurer, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to,

- (a) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse in that year for such property, reduced by the sum of \$50; or
- (b) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Treasurer, reduced by the sum of \$50. R.S.O. 1970, c. 414, s. 9 (2), *amended*.

**Maximum
additional
payment \$50**

(3) No payment under subsection 2 shall exceed \$50. R.S.O. 1970, c. 414, s. 9 (3).

**Repayment
to landlord**

3. Where a landlord or his agent has made a payment to a tenant pursuant to Regulation 782 of the Revised Regulations of Ontario, 1970, in respect of a tenancy terminated on or before the 1st day of March, 1972 and after the 31st day of December, 1971, the Treasurer, on application made before the 1st day of January, 1973 by the landlord or his agent, may pay to the landlord or his agent the amount of the payment made to the tenant upon such terms and conditions as the Treasurer considers appropriate. *New*.

Regulations

4. The Lieutenant Governor in Council may, upon the recommendation of the Treasurer, make regulations extending the eligibility for payments under section 2 to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). R.S.O. 1970, c. 414, s. 10, *amended*.

R.S.C. 1970,
c. O-6

Idem

5. The Treasurer may make regulations,

- (a) prescribing a date or dates for the purposes of subsections 1 and 2 of section 2;
- (b) prescribing forms of application for the purposes of this Act;
- (c) generally for the administration of this Act. R.S.O. 1970, c. 414, s. 11, *amended*.

6. The moneys required for the purposes of this Act shall **Moneys** be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 414, s. 12.

7. *The Residential Property Tax Reduction Act*, being **R.S.O. 1970,** chapter 414 of the Revised Statutes of Ontario, 1970, is repealed. **c. 414,** **repealed**

8. This Act shall be deemed to have come into force on the **Commence-** 1st day of January, 1972. **ment**

9. This Act may be cited as *The Residential Property Tax* **Short title** *Reduction Act, 1972.*

The Residential Property
Tax Reduction Act, 1972

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

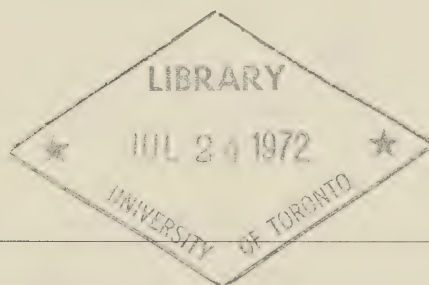
THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

(Government Bill)

BILL 51

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

The Residential Property Tax Reduction Act, 1972



THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 51

1972

The Residential Property Tax Reduction Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “municipal taxes” means all taxes for municipal and school purposes imposed by a mill rate on rateable property;
- (b) “residential property” means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act* upon which there is a building used or intended to be used as a residence; R.S.O. 1970,
c. 32
- (c) “Treasurer” means the Treasurer of Ontario and Minister of Economics. R.S.O. 1970, c. 414, s. 1 (1), *part, amended.*

(2) Where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year preceding the year for which a payment under subsection 2 of section 2 is sought, he may apply not later than the 31st day of January in the year next following the year for which the payment is sought to the Treasurer and, if the Treasurer is satisfied that this is the case, he shall so advise the applicant, and thereupon such part or parts of such land shall be deemed to have been separately assessed for the purposes of this Act. R.S.O. 1970, c. 414, s. 1 (2), *amended.* Where part
of land
should have
been
separately
assessed

2.—(1) In each year, including the year 1972, the Treasurer shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Treasurer to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). R.S.O. 1970, c. 414, s. 9 (1), *amended.* Supplemen-
tary tax
assistance
to certain
pensioners
R.S.C. 1970,
c. O-6

Additional
payment

(2) Where a person is eligible for a payment under subsection 1 and resides in a residential property, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person, subject to subsection 3, is entitled to be paid by the Treasurer for each year, upon submission of an application, in a form prescribed by the Treasurer, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to,

- (a) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse in that year for such property, reduced by the sum of \$50; or
- (b) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Treasurer, reduced by the sum of \$50. R.S.O. 1970, c. 414, s. 9 (2), *amended*.

Maximum
additional
payment \$50

(3) No payment under subsection 2 shall exceed \$50. R.S.O. 1970, c. 414, s. 9 (3).

Repayment
to landlord

3. Where a landlord or his agent has made a payment to a tenant pursuant to Regulation 782 of the Revised Regulations of Ontario, 1970, in respect of a tenancy terminated on or before the 1st day of March, 1972 and after the 31st day of December, 1971, the Treasurer, on application made before the 1st day of January, 1973 by the landlord or his agent, may pay to the landlord or his agent the amount of the payment made to the tenant upon such terms and conditions as the Treasurer considers appropriate. *New*.

Regulations

4. The Lieutenant Governor in Council may, upon the recommendation of the Treasurer, make regulations extending the eligibility for payments under section 2 to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). R.S.O. 1970, c. 414, s. 10, *amended*.

R.S.C. 1970,
c. O-6

Idem

5. The Treasurer may make regulations,

- (a) prescribing a date or dates for the purposes of subsections 1 and 2 of section 2;
- (b) prescribing forms of application for the purposes of this Act;
- (c) generally for the administration of this Act. R.S.O. 1970, c. 414, s. 11, *amended*.

6. The moneys required for the purposes of this Act shall ^{Moneys} be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 414, s. 12.

7. *The Residential Property Tax Reduction Act*, being ^{R.S.O. 1970,} chapter 414 of the Revised Statutes of Ontario, 1970, is repealed. ^{c. 414,} repealed

8. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1972. ^{ment}

9. This Act may be cited as *The Residential Property Tax* ^{Short title} *Reduction Act, 1972.*

The Residential Property
Tax Reduction Act, 1972

1st Reading

March 28th, 1972

2nd Reading

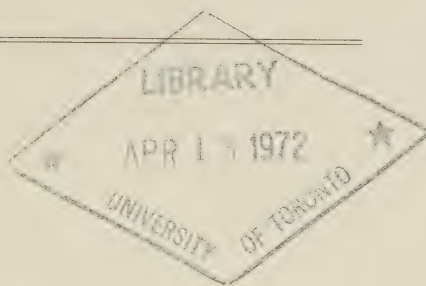
June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. W. D. McKEOUGH
Minister of Municipal Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Game and Fish Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 52

1972

An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 57 of *The Game and Fish Act*, being chapter ^{s. 57,} 186 of the Revised Statutes of Ontario, 1970, is amended ^{amended} by adding thereto the following subsection:

(2) Notwithstanding any other provision of this Act, ^{Hunting} no person shall, except on his own lands in defence ^{raccoon} or preservation of his property, hunt raccoon in that part of Ontario lying north of the centre line of that part of the King's Highway known as No. 7, except from the 25th day of October in any year to the 25th day of January in the year next following, both inclusive.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Game and Fish Amendment* ^{Short title} *Act, 1972.*

An Act to amend
The Game and Fish Act

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

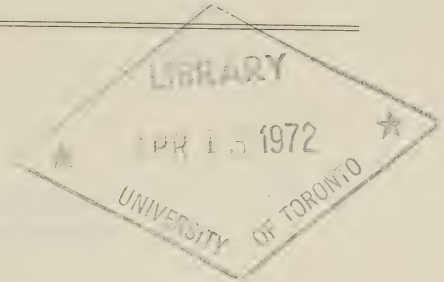
MR. SHULMAN

(Private Member's Bill)

BILL 53

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



**An Act to establish
a Commission to evaluate Government Programs**

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes a Commission whose function is to study and evaluate provincial programs and whose findings and recommendations thereon are to be submitted to the Assembly on or before July 1st, 1973.

BILL 53

1972

An Act to establish a Commission to evaluate Government Programs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There is hereby established a commission to evaluate Government programs, herein called the Commission. Commission established

2.—(1) The Commission shall be composed as follows: Composition

1. Seven members appointed by the political interest representing the Government of the day.
2. Three members appointed by the political interest having the second largest representation in the Assembly.
3. Two members appointed by the political interest having the third largest representation in the Assembly.

(2) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Vacancy

3. The Commission shall elect a chairman and a vice-chairman from among its members. Chairman and vice-chairman

4. Seven members of the Commission constitute a quorum. Quorum

5. The Commission shall make a full and complete study and evaluation of existing provincial programs and activities, both old and new, and of projected expansions of such programs and activities for the purpose of determining, in the light of the fundamental needs of Ontario and its vital objectives, Functions of Commission

- (a) the effectiveness of each such program or activity in terms of its present and projected costs;
- (b) whether such program or activity should be continued; and
- (c) in the allocation of provincial funds, the relative priority that should be assigned to such program or activity.

Powers of
Commission

6.—(1) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable.

Idem

(2) The chairman or vice-chairman of the Commission may administer oaths or affirmations to witnesses appearing before it.

Idem

(3) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

Idem

(4) The Commission may secure directly from any department or agency of the Province of Ontario information necessary to enable it to carry out this Act and upon the request of the chairman or vice-chairman of the Commission such department or agency shall furnish such information to the Commission.

Report of
Commission

7. The Commission shall, on or before the 1st day of July, 1973, lay before the Assembly a comprehensive report of its study and evaluation, together with the recommendations, including any recommendations as to legislative enactments and administrative actions, of the changes in provincial programs and activities that in its judgment are necessary to meet the fundamental needs and vital objectives of Ontario.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Government Programs Evaluation Commission Act, 1972*.

An Act to establish a Commission
to evaluate Government Programs

1st Reading

April 4th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Planning Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to give municipalities the discretionary power to issue or withhold permits for the removal or wrecking of buildings or structures.

BILL 54

1972

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 7 of subsection 1 of section 38 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, ^{s. 38 (1), par. 7, re-enacted} 1970, is repealed and the following substituted therefor:
7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom; for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked; for determining, in such manner as the by-law may provide, whether or not the permit shall be issued; and for fixing and charging fees for the permit.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Planning Amendment Act, 1972*. ^{Short title}

An Act to amend
The Planning Act

1st Reading

April 6th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the
Control and Regulation of Snowmobiles**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 55

1972

An Act to provide for the Control and Regulation of Snowmobiles

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "highway" includes a common and public highway street and bridge intended for or used by the general public;
- (b) "municipality" means a locality the inhabitants of which are incorporated;
- (c) "snowmobile" means a motorized, self-propelled vehicle intended primarily for travel on snow or ice.

2. No person shall operate a snowmobile upon a highway.

Snowmobiles
prohibited
on highways

3.—(1) A municipality may temporarily close a highway within the municipality in order to permit the holding of a snowmobile race or derby.

Snowmobile
derbies

(2) Notwithstanding subsection 1, no part of the King's Highway or any highway that intersects or runs into the King's Highway shall be closed under subsection 1.

Not to
affect King's
Highway

(3) Where a highway is temporarily closed by a municipality under subsection 1, the municipality shall give written notice of the closing to the chief of police or the chairman of the board of commissioners of police, as may be applicable, of the municipality and to the Minister of Justice and Attorney General.

Notice

(4) A notice under subsection 3 shall be delivered not less than one week prior to the date of the closing of the highway and shall state the date, length of time and purpose of the closing and the name and location of the highway to be closed.

Contents
of notice

- Police action** (5) The chief of police or the board of commissioners of police, as the case may be, upon receipt of the notice under subsection 3 shall take all steps necessary to provide for the protection of persons and property and the regulation of traffic as a result of the temporary closing and the holding of the snowmobile race or derby.
- Municipality not liable** (6) Where a municipality complies with the requirements of this section, the municipality shall not be held liable for any loss or damage arising out of the closing or any snowmobile race or derby held in connection therewith.
- Age restriction** 4. No person under the age of twelve years shall drive a snowmobile across a highway.
- Fire-arm restricted** 5.—(1) No person shall have a fire-arm on a snowmobile unless the fire-arm is unloaded and contained in a carrying-case.
- Bow restricted** (2) No person shall have a bow on a snowmobile unless the bow is unstrung or contained in a carrying-case.
- Hunting** 6. No person shall use a snowmobile for the purpose of driving or pursuing any deer or bear or wolf.
- Permitting operation by impaired person prohibited** 7. No person shall permit the operation of a snowmobile by a person whose ability to operate a snowmobile is impaired by reason of age, physical or mental disability, alcohol or a drug.
- Offences** 8. No person shall drive a snowmobile,
- (a) at a rate of speed greater than reasonable under the circumstances;
 - (b) without due care and attention or without reasonable consideration for other persons or property;
 - (c) while under the influence of alcohol or a drug;
 - (d) in a manner that creates an excessive or unusual level of motor or exhaust noise; or
 - (e) unless it is equipped with a muffler in good working order and in constant operation.
- Penalty** 9. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$100; and, for the second contravention of the

same provision within one year from the date of the first offence, to a fine of not less than \$100 and not more than \$500.

10. No snowmobile may be operated at a noise level greater than 86 decibels measured at 50 feet from the machine. ^{Noise level}

11. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

12. This Act may be cited as *The Snowmobile Regulation Act, 1972*. ^{Short title}

An Act to provide for the
Control and Regulation of Snowmobiles

1st Reading

April 6th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

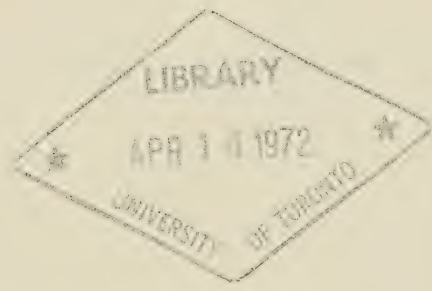
BILL 56

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Insurance Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 56

1972

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 357 of *The Insurance Act*, being chapter 224 of the^{s. 357} Revised Statutes of Ontario, 1970, as re-enacted by the^{re-enacted} Statutes of Ontario, 1971, chapter 84, section 20, is repealed and the following substituted therefor:

357. A person licensed as an agent for life insurance under this Act who makes a false or misleading statement or^{False} representation in the solicitation or negotiation of^{statements,} insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance that would not be otherwise given in the effecting of a life insurance contract, is guilty of an offence.

2. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Insurance Amendment*^{Short title} Act, 1972.

An Act to amend
The Insurance Act

1st Reading

April 6th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

BILL 57**Private Member's Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the Certification of Dealers and Persons
engaged in the fitting and selling of Hearing Aids**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires a person engaged in the sale of or practice of fitting hearing aids to be the holder of a certificate of registration issued by the Minister of Health.

Requirements for registration are specified and provision is made for the examination of applicants for registration. Certificates of registration may be suspended or revoked by the Minister of Health on grounds specified in the Bill, and appeals from suspension or revocation may be made to a judge of a county or district court. The Advisory Council on Hearing Aids is established and is empowered to advise the Minister of Health on all matters relating to the Bill.

BILL 57

1972

**An Act to provide for the Certification of
Dealers and Persons engaged in the fitting and
selling of Hearing Aids**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "certificate of registration" means a certificate of registration issued by the Minister under this Act;
- (b) "Council" means the Advisory Council on Hearing Aids;
- (c) "Department" means the Department of Health;
- (d) "hearing aid" means any instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device;
- (e) "Minister" means the Minister of Health;
- (f) "practice of fitting hearing aids" means the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by any other means devised, and the consequent selection or adaption or sale of hearing aids intended to compensate for hearing loss;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act;
- (i) "unethical conduct" means,

- (i) the obtaining of any fee or the making of any sale by fraud or misrepresentation,
- (ii) employing directly or indirectly any suspended or unregistered person to perform any work covered by this Act,
- (iii) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful,
- (iv) advertising a particular model, type or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised,
- (v) representing that the services or advice of a legally qualified medical practitioner will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the word "doctor", "clinic" or other like words, abbreviations or symbols which tend to connote the medical profession when such use is not accurate,
- (vi) habitual intemperance,
- (vii) gross immorality,
- (viii) permitting another to use his certificate.

Delegation
of
Minister's
powers

2. The Minister may delegate any of the powers conferred upon him by or under this Act to the Deputy Minister of the Department or any other official of the Department designated by the Minister.

Unautho-
rized
practice
prohibited

3.—(1) No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or hold himself out as a person who practises the fitting of hearing aids unless he holds a current, unsuspended, unrevoked certificate of registration issued by the Minister as provided in this Act.

(2) The certificate required by subsection 1 shall be kept ^{Posting of certificates} conspicuously posted in the holder's office or place of business at all times.

4. Any person who practises the fitting of or dealing in ^{Receipts} hearing aids shall deliver to each person supplied with a hearing aid by him or at his order or direction, a receipt which shall contain his signature and show the address of his regular place of practice and the number of his certificate, together with a specification of the hearing aid furnished and the amount charged therefor.

5.—(1) This Act does not apply to a person while he is ^{Saving as to institutions of higher education, etc.} engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or non-profit organization, that is primarily supported by voluntary contributions.

(2) This Act shall not be construed to prevent a legally ^{Saving as to legally qualified medical practitioners} qualified medical practitioner from treating or fitting hearing aids to the human ear.

6. An applicant for registration shall pay the prescribed ^{Registration requirements} fee and shall show to the satisfaction of the Minister that he,

- (a) is a resident of Ontario;
- (b) is a person of good moral character;
- (c) is eighteen years of age or older;
- (d) has Grade 12 standing or such other academic standing as is, in the opinion of the Minister, equivalent thereto or has continuously engaged in the practice of fitting hearing aids in Ontario during the three years preceding the date this Act comes into force; and
- (e) is free of contagious or infectious disease.

7.—(1) An applicant for registration who is notified by ^{Written and practical tests} the Minister that he has fulfilled the requirements of section 6 shall appear at a time and place and before such persons as the Minister may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to practise the fitting of hearing aids.

Examina-
tions to be
held yearly

(2) The Minister or persons designated by him shall hold at least one examination of the type prescribed in subsection 1 in each year, and such additional examinations as the volume of applications may make appropriate.

Content of
examina-
tions

8. The examination provided in subsection 1 of section 7 shall consist of,

(a) tests of knowledge in the following areas as they pertain to the fitting of hearing aids,

(i) basic physics of sound,

(ii) the human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders,

(iii) structure and function of hearing aids; and

(b) tests of proficiency in the following techniques as they pertain to the fitting of hearing aids,

(i) pure tone audiometry, including air conduction testing and bone conduction testing,

(ii) live voice or recorded voice speech audiometry, including speech reception, threshold testing and speech discrimination testing,

(iii) effective masking,

(iv) recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy,

(v) selection and adaption of hearing aids and testing of hearing aids,

(vi) taking earmold impressions.

Certificate
of
registration

9.—(1) Upon payment of the prescribed fee, the Minister shall register each applicant who satisfactorily passes the examination and thereupon the Minister shall issue to the applicant a certificate of registration.

Duration of
certificate

(2) A certificate of registration is effective for one year from the date of its issue.

10.—(1) Any person registered under this Act may, after a hearing of which he has received not less than ten days notice, have his certificate revoked or suspended for a fixed period by the Minister for any of the following causes: Suspension
or revocation of
certificate

1. His conviction of an offence involving moral turpitude.
2. Where his certificate has been secured by fraud or deceit practised upon the Minister.
3. For unethical conduct, or for gross ignorance or inefficiency in his profession.
4. Practising while knowingly suffering from a contagious or infectious disease.
5. Advertising professional methods or professional superiority.
6. Practising the fitting of hearing aids under a false or alias name.

(2) For the purposes of this section, the record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction. Evidence of
conviction

(3) At the hearing referred to in subsection 1, the person registered is entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or agent. Hearing

(4) Notice of the decision of the Minister following a hearing under subsection 1, together with reasons in writing therefor, shall be served upon the person affected thereby, either personally or by registered mail addressed to such person at his last known place of address. Notice of
decision

(5) Where the person affected by a decision after a hearing under subsection 1 deems himself aggrieved thereby, he may, within five days of receipt of the decision, appeal the decision to a judge of the county or district court of the county or district within which he carries on business, and the judge may confirm, revoke or modify the decision. Appeal

11.—(1) The Advisory Council on Hearing Aids is hereby established and shall consist of five members to be appointed by the Lieutenant Governor in Council. Advisory
Council on
Hearing
Aids
established

Qualifica-
tion of
members
Idem

(2) Members of the Council shall be residents of Ontario.

(3) One member shall be a legally qualified medical practitioner who holds certification of otolaryngology from The Royal College of Physicians and Surgeons of Canada.

Idem

(4) Three members shall be persons experienced in the fitting of hearing aids, who possess the qualifications prescribed in section 6, but all successors to the position of such members, who are appointed to the Council after the date on which the Minister first issues a certificate of registration as provided in section 9, shall be persons who hold valid certificates of registration under this Act.

Idem

(5) No member of the Council shall be an employee of the Department.

Duties of
Council

12.—(1) The Council shall have the responsibility and duty of advising the Minister in all matters relating to this Act, shall prepare the examinations required by this Act, subject to the approval of the Minister, and shall assist the Minister in carrying out the provisions of this Act.

Minister
to be
guided

(2) The Minister shall consider and be guided by the recommendations of the Council in all matters relating to this Act.

Meetings
of Council

13.—(1) The Council shall meet at least once each year at a place and time determined by the Council.

Idem

(2) The Council shall also meet at such other times and places as are specified by the Minister.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the fees payable on an application for registration and on the issuance of a certificate of registration;
- (b) prescribing forms and providing for their use;
- (c) governing the conduct of meetings of the Council;
- (d) regulating the practice and procedure on hearings under section 10.

Offence

15.—(1) Any person who contravenes any of the provisions of this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for not more than ninety days, or to both.

(2) Where any provision of this Act is contravened, in addition to any proceeding had under subsection 1, such contravention may be restrained by action at the instance of the Minister.

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

17. This Act may be cited as *The Hearing Aid Sales Act*, 1972.

An Act to provide for the Certification
of Dealers and Persons engaged in the
fitting and selling of Hearing Aids

1st Reading

April 7th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment requires persons under eighteen years of age to take an approved driver education course before being issued a driver's licence.

BILL 58

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Highway Traffic Act*, being chapter ^{s. 18,} 202 of the Revised Statutes of Ontario, 1970, is amended by ^{amended} adding thereto the following subsection:

(1a) A licence shall not be issued to a person under the ^{Driver} age of eighteen years to drive or operate a motor ^{education} vehicle on a highway unless he has satisfactorily ^{courses} completed a driver education course designated by the Lieutenant Governor in Council by regulation.

2. This Act comes into force on the 1st day of July, 1972. ^{Commence-}ment

3. This Act may be cited as *The Highway Traffic Amend-* ^{Short title} *ment Act, 1972.*

An Act to amend
The Highway Traffic Act

1st Reading

April 10th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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Publications

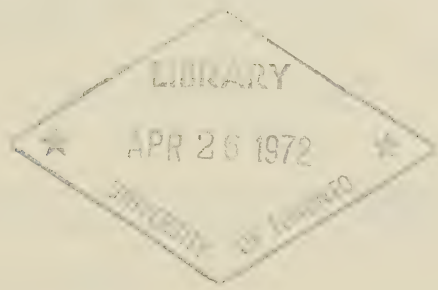
BILL 59

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

The Noise Pollution Control Act, 1972

MR. BURR



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Act is to establish a means of regulating, controlling and prohibiting excess noise in the surrounding environment.

BILL 59

1972

The Noise Pollution Control Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Noise Pollution Control Advisory Board;
- (b) "Minister" means the Minister of Health;
- (c) "Ministry" means the Ministry of Health;
- (d) "noise pollution" means any level of noise that may cause discomfort to or endanger the health or safety of persons or animal life or that may cause injury or damage to property;
- (e) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (f) "regulations" means the regulations made under this Act.

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

Powers and
duties of
Minister

- (a) investigate noise pollution problems;
- (b) conduct research in the field of noise pollution;
- (c) conduct noise studies and monitoring programs;
- (d) convene conferences, conduct seminars and educational programs in the field of noise pollution;

- (e) publish and disseminate information on noise pollution;
- (f) appoint committees to perform such advisory functions as the Minister deems desirable.

Delegation
of powers
to officer

3. The Minister may authorize any officer or officers of the Ministry to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations.

Advisory
Board

4.—(1) A board to be known as "The Noise Pollution Control Advisory Board" shall be established consisting of not more than twelve members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary.

Members

(2) The composition of the Board shall be such as to provide for competent and knowledgeable persons in the engineering, medical, urban planning, industry, agricultural and labour fields and members at large.

Vacancies

(3) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council.

Duties of
Board

(4) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct.

Provincial
officers

5.—(1) The Minister may designate officers of the Ministry as provincial officers for the purposes of this Act and the regulations.

Powers of
provincial
officers

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations.

Information

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

Obstructing
provincial
officer

(4) No person shall obstruct a provincial officer in the exercise of his power under this section.

Power to
review, etc.

6.—(1) Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to

review the certificate or order, and the Minister may review, rescind or alter any such certificate or order.

(2) If after a review by the Minister any person complains that it is still not feasible or practicable to comply with the certificate of approval or order, he may, within fifteen days after receipt of the decision of the Minister, appeal to a judge of the county or district court of the county or district in which the source of noise pollution in respect of which the certificate or order was issued or made is located, and such appeal shall be a hearing *de novo*, and the judge may dismiss the appeal or rescind or alter any such certificate or order and his decision is final. Appeal to judge

7.—(1) No person shall construct a source of noise pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any noise from the source and to prevent noise pollution. Approval to creation of new source of noise pollution required

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of noise pollution as the Minister may require. Application, plans, etc.

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any noise from the source of noise pollution, and for the prevention of noise pollution as the Minister deems necessary. Certificate of approval

(4) No person shall construct a source of noise pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued. Construction in accordance with approval

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time. Expiration of certificate of approval

8.—(1) A provincial officer may survey from time to time any source of noise pollution and after completing such survey shall report thereon with his recommendations, Survey by provincial officer

(a) respecting the source of noise pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any noise;

(b) respecting the source of noise pollution where no equipment, apparatus, device, mechanism or struc-

ture is involved and such method of operation as may be necessary to prevent or lessen the emission of any noise.

Report to be sent to Ministry and operator

(2) The provincial officer shall file his report and recommendations with the Ministry and shall serve upon the operator or owner of the source of noise pollution a copy thereof.

Review of report and recommendations by Board

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing.

Counsel

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire.

Report of Board

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner.

Order of Minister

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of noise pollution or requiring changes respecting the source of noise pollution or the method of operation or devices employed to prevent or lessen the emission of any noise or to reduce or control noise pollution.

No order until time for requesting review expires

(2) No order in respect of a source of noise pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of noise pollution.

Where pollution creates serious danger to health

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted any noise that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey

under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such noise including reasons therefor, whereupon such person shall immediately discontinue such emission.

(2) The Minister shall, as soon as possible thereafter and ^{Hearing} in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons.

11.—(1) Where a person complains that noise pollution is ^{Where noise pollution causes damage to live stock} causing or has caused injury or damage to live stock which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.

(2) Upon receipt of a request, the Minister may cause an ^{Request for investigation} investigation to be made and a report prepared of the findings of the investigation.

(3) A copy of the report shall be given to the claimant and ^{Report of investigation} to the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage.

(4) The claimant shall permit the operator or owner of such ^{Right of owner to view damage, etc.} source of noise pollution or his agent to view the injury or damage.

(5) A board of negotiation shall be established consisting ^{Board of negotiation} of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.

(6) Any two members of the board of negotiation ^{Quorum} constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board.

(7) The board of negotiation may sit at any place in ^{Place of sitting} Ontario.

(8) If a complainant who has requested an investigation ^{Notice of amount of claim} under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined.

Notice of
negotiation

(9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

Negotiation
proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Sale of
new motor
vehicles and
engines
contrary to
regulations

12.—(1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle complies with the regulations.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Operation
of motor
vehicles
without
effective
system or
device

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle has installed on or incorporated in it such system or device and makes effective use of such system or device.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying sources of noise pollution and exempting any class or classes from the provisions of this Act and the regulations;
- (b) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;

- (c) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of noise, prescribing the standards and specifications of any such system or device, prescribing the standards of emission to which any such system or device shall comply and providing for the testing and inspection of any such system or device;
- (d) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission of noise;
- (e) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;
- (f) prohibiting or regulating and controlling the emission of any noise from any source of noise pollution or any class thereof;
- (g) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;
- (h) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;
- (i) prescribing the noise level of noise criteria to be used in controlling, regulating or prohibiting the emission of any noise and the standards thereof;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may be general or particular in its application and may be limited as to time or place or both. ^{Scope of regulations}

15. Notwithstanding any general or special Act, this Act ^{Application of Act and regulations} and the regulations apply in such areas in Ontario as are designated by the regulations.

16.—(1) Every person who contravenes any provision of ^{Offences} this Act, except section 12 or 13, or of the regulations or any

order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$2,000, and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

Idem

(2) Each day that a person contravenes a provision of this Act or the regulations or an order made by the Minister constitutes a separate offence.

Service of
reports,
orders, etc.

17. Any report, order or notice served under this Act shall be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of noise pollution in respect of which the report, order or notice is served, or is delivered,

- (a) in the case of a municipality, including a district, metropolitan or regional municipality, to the head or clerk of the municipality;
- (b) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;
- (c) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein.

Noise
pollution
control
by-laws
R.S.O. 1970,
c. 284

18. Every noise pollution control by-law of a municipality, including a district, metropolitan or regional municipality, passed under *The Municipal Act*, that is in force immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality.

Commence-
ment

19. This Act comes into force on the 1st day of January, 1973.

Short title

20. This Act may be cited as *The Noise Pollution Control Act, 1972*.

The Noise Pollution
Control Act, 1972

1st Reading

April 10th, 1972

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

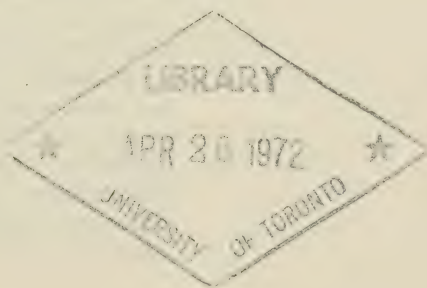
BILL 60

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The District Welfare Administration Boards Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The subsections being re-enacted presently establish the composition of every district welfare administration board and prescribe the qualifications and term of office of the members; these matters will now be prescribed by regulation and may vary as between boards.

SECTION 2. The regulation-making authority is enlarged; complementary to section 1 of the Bill; the principles upon which the composition of each board is to be established are set out.

BILL 60

1972

An Act to amend The District Welfare Administration Boards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3 and 4 of section 3 of *The District Welfare Administration Boards Act*, being chapter 132 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(3) A board shall be a corporation.

Board is a
corporation

(4) The composition of each board and the qualifications and term of office of the members thereof shall be as prescribed by the regulations.

Composition,
etc., of
board

2. Section 11 of the said Act is amended by adding thereto the following clause:

s. 11,
amended

(ba) providing for the division of each district into areas, the appointment of members representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large, prescribing the qualifications for appointment and fixing the number of members for each board and the terms of office of such members.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

4. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1972*.

Short title

An Act to amend The District
Welfare Administration Boards Act

1st Reading

April 11th, 1972

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and Social Services

(Government Bill)

BILL 60

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The District Welfare Administration Boards Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 60

1972

**An Act to amend
The District Welfare Administration
Boards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3 and 4 of section 3 of *The District Welfare Administration Boards Act*, being chapter 132 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 3 (3, 4),
re-enacted

(3) A board shall be a corporation.

Board is a
corporation

(4) The composition of each board and the qualifications and term of office of the members thereof shall be as prescribed by the regulations. Composition,
etc., of
board

2. Section 11 of the said Act is amended by adding thereto the following clause: s. 11,
amended

(ba) providing for the division of each district into areas, the appointment of members representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large, prescribing the qualifications for appointment and fixing the number of members for each board and the terms of office of such members.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

4. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1972*. Short title

BILL 60

An Act to amend The District
Welfare Administration Boards Act

1st Reading

April 11th, 1972

2nd Reading

April 25th, 1972

3rd Reading

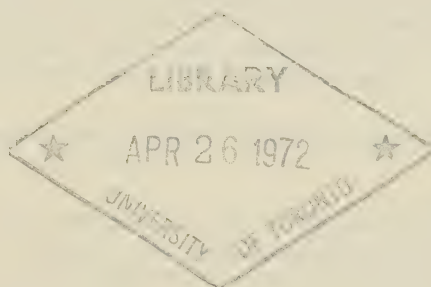
April 25th, 1972

THE HON. R. BRUNELLE
Minister of Community and Social Services

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 61

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

62a.—(1) In this section, “motor bus” means any motor vehicle used or designed to be used on a highway for the carriage of ten or more passengers.

(2) No person shall,

(a) manufacture any motor bus; or

(b) introduce, deliver, transport or cause to be transported for sale, sell or offer for sale, in Ontario any motor bus manufactured on or after the day this section comes into force,

unless the motor bus is equipped with a seat belt at each passenger seat location.

(3) Any person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

2. This Act comes into force on the 1st day of August, 1973.

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

Manufac-
ture, sale,
etc., of a
motor bus
without
seat belts
prohibited

Offence

Commence-
ment

Short title

BILL 61

An Act to amend
The Highway Traffic Act

1st Reading

April 11th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

CAZON
XB
-B56

BILL 62

Private Member's Bill

**Government
Publications**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Act

MR. LANE



EXPLANATORY NOTE

The Bill removes the requirement that a person be rated or related to a person who is rated on an assessment roll as owner or tenant of land in order to be entitled to be a voter at a municipal election.

BILL 62

1972

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *d* and *e* of subsection 1 of section 38 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, are repealed ^{s. 38 (1) (*d*, *e*), repealed}.

(2) Subsections 2, 3, 4, 5 and 6 of the said section 38 are repealed ^{s. 38 (2-6), repealed}.

(3) Subsection 7 of the said section 38 is amended by ^{s. 38 (7), amended} striking out “is entered on the last revised assessment roll, or has been added to the assessment roll under section 44 of *The Assessment Act*, and” in the fourth, fifth and sixth lines.

(4) Subsection 9 of the said section 38 is repealed. ^{s. 38 (9), repealed}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Municipal Amendment Act*, 1972. ^{Short title}

An Act to amend
The Municipal Act

1st Reading

April 13th, 1972

2nd Reading

3rd Reading

MR. LANE

(Private Member's Bill)

BILL 63

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill makes it an offence for the driver of a motor vehicle to fail to stop when given a clear signal to do so by a uniformed constable or police officer driving a plainly marked police vehicle.

BILL 63

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

153a.—(1) Every driver of a motor vehicle when given by means of hand, voice, siren or emergency light an audible or visual signal to stop by a constable or officer in a police vehicle, shall bring his vehicle to a stop and shall not otherwise flee or attempt to elude the police vehicle provided,

(a) the police vehicle is plainly marked as such; and

(b) the constable or officer is in uniform with his badge of office prominently displayed thereon.

(2) Every person who contravenes the provisions of subsection 1 is liable to a fine of not less than \$100 and not more than \$500, or to imprisonment for a term of not less than thirty days and not more than six months, or to both such fine and imprisonment.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

BILL 63

An Act to amend The Highway Traffic Act

1st Reading
April 13th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

BILL 64

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Authorities Protection Act

MR. LAWLOR



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill removes the necessity of commencing an action within six months in the case of a person, such as a sheriff, who is acting in the discharge of a public duty and has furnished security on his appointment to office.

BILL 64

1972

An Act to amend The Public Authorities Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 11 of *The Public Authorities Protection Act*, ^{s. 11, amended} being chapter 374 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof "Subject to subsection 2".

(2) The said section 11 is amended by adding thereto the ^{s. 11, amended} following subsection:

(2) The provisions of subsection 1 do not prevent an ^{Where security furnished} action against a person acting in the discharge of a public duty or authority if such person is required by reason of his appointment to office to furnish security for the due and proper carrying out of his duty.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Public Authorities Pro-* ^{Short title} *tection Amendment Act, 1972.*

An Act to amend
The Public Authorities Protection Act

1st Reading

April 13th, 1972

2nd Reading

3rd Reading

MR. LAWLOR

(Private Member's Bill)

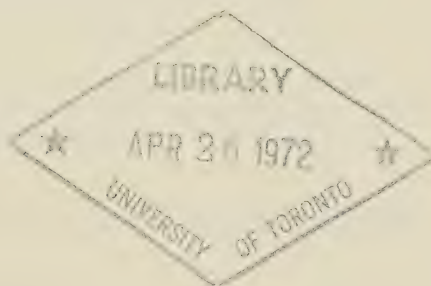
BILL 65

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill makes it an offence for a dealer in motor vehicles to:

1. Sell a motor vehicle knowing its odometer has been altered, without making a full disclosure in writing regarding the alteration.
2. Alter the odometer of a motor vehicle for the purpose of deceiving a purchaser or prospective purchaser.

BILL 65

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

58a.—(1) No dealer in motor vehicles shall,

- (a) sell or offer for sale any motor vehicle, knowing that the odometer thereof has been altered in any manner for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle, without making a full disclosure in writing regarding such alteration; or
- (b) alter the odometer on any motor vehicle for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle.

Altering
odometer to
deceive
purchaser
of motor
vehicle
prohibited

- (2) A dealer in motor vehicles who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

2. This Act comes into force on the day it receives Royal Assent.

Offence
Commence-
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

Short title

BILL 65

An Act to amend
The Highway Traffic Act

1st Reading

April 14th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Representation Act

MR. YOUNG



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides a procedure for the redistribution of electoral representation in Ontario. Provision is made for the establishment of a Redistribution Commission that will periodically make a report to the Assembly leading to the introduction of legislation to change the electoral districts set out in the Schedule to the Act.

An Act to amend The Representation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Representation Act*, being chapter 413 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part:

PART II

9. In this Part, "Commission" means the Redistribution Commission. ^{Interpretation}
- 10.—(1) A Commission to be known as the Redistribution Commission is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council. ^{Redistribution Commission established}
- (2) The Lieutenant Governor in Council may appoint one of the members of the Commission as chairman. ^{Chairman}
- (3) In the case of the absence or inability of the chairman to act or of there being a vacancy in the office of chairman, the other members of the Commission shall appoint one of them as acting chairman. ^{Acting chairman}
- (4) Two members of the Commission constitute a quorum. ^{Quorum}
- (5) In the event of an equality of votes the chairman of the Commission shall have a second or casting vote. ^{Chairman to have casting vote}
11. As soon as possible after each decennial census of Canada, the Commission shall prepare a report stating its recommendations as to, ^{Report}
 - (a) the division of Ontario into electoral districts;
 - and

- (b) the boundaries and the name to be given to each electoral district.

Commission
to calculate
average
electoral
district
population

- 12.—(1) In preparing its report the Commission shall calculate the average electoral district population by dividing the total population of Ontario as determined at the last preceding decennial census of Canada by the number of electoral districts set out in section 2.

Variation
permitted

- (2) In preparing its report the Commission shall prepare its recommendations in such manner that the population of each electoral district shall not be 25 per cent more nor 25 per cent less than the average electoral district population calculated under subsection 1.

Matters
to be
considered by
Commission

- (3) Subject to subsection 2, the Commission shall give consideration to,
- (a) the community or diversity of interests of the inhabitants of any area;
 - (b) the means of communication available in any area;
 - (c) the special geographic features existing in any area;
 - (d) the population trends in Ontario;
 - (e) the existing boundaries of local municipalities; and
 - (f) the boundaries of the electoral districts for the House of Commons of Canada.

Information
to be
included in
report

- (4) The Commission shall include in its report a statement of,
- (a) the average electoral district population calculated in accordance with subsection 1; and
 - (b) the population of each proposed electoral district.

Maps

13. As part of its report the Commission shall prepare,
- (a) a map showing the division of Ontario into electoral districts; and

- (b) maps showing the boundaries of each electoral district,

to illustrate the recommendations set out in its report.

14. The Commission shall invite public consideration and Public notice comment concerning its proposed report by,

- (a) causing copies of the maps showing the proposed electoral districts and the proposed boundaries to be posted in appropriate public places throughout Ontario; and

- (b) causing notice of the report and of the postings to be published in *The Ontario Gazette*.

15. Before submitting its report, the Commission shall Written comment to be considered by Commission consider all written comment submitted to the Commission within thirty days after the date of publication of the notice of its report in *The Ontario Gazette*.

16. The Commission shall transmit its report to the Clerk Disposition of report of the Assembly and the Clerk, within ten days after receipt of the report, shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session within ten days after the commencement of the session.

- 17.—(1) If within thirty days after the day the report Objection to report is laid before the Assembly an objection in writing, in the form of a motion for consideration by the Assembly, signed by not less than ten members of the Assembly is filed with the Speaker specifying the provisions of the report objected to and the reasons for the objection, the Assembly shall, within the next fifteen sitting days, take up the motion and consider the matter of the objection, and thereafter the report shall be referred back to the Commission by the Speaker, together with a copy of the objection and of the Debates of the Assembly with respect thereto, for reconsideration by the Commission having regard to the objection.

- (2) Within thirty days from the day a report of the Commission is referred back to the Commission by the Speaker pursuant to subsection 1, the Commission Reconsideration of report by Commission shall consider the matter of the objection and shall dispose of the objection, and forthwith upon the disposition thereof a certified copy of the report of the Commission, with or without amendment, as the case may be, shall be returned by the Commission to the Speaker.

Preparation
of draft
Bill

18.—(1) Where, with respect to a report,

- (a) it is ascertained by the Commission that no objection has been filed with the Speaker within the time prescribed therefor in this Part; or
- (b) after the report was referred back to the Commission by the Speaker, the report has been returned to the Speaker by the Commission,

the Commission shall forthwith prepare and transmit to the Speaker a draft Bill to amend the Schedule to this Act so as to divide Ontario into electoral districts in accordance with the recommendations of the report, and the Speaker shall submit the draft Bill to the Executive Council.

Introduction
of Bill

- (2) A Bill incorporating the amendment to the Schedule to this Act proposed by the draft Bill referred to in subsection 1 shall be introduced to the Assembly by a member of the Executive Council within a reasonable time after the submission of the draft Bill to the Executive Council.

Effective
date in
Bill

- (3) The Bill referred to in subsection 1 shall state that it comes into force upon the dissolution of the Legislature.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Representation Amendment Act, 1972*.

Bill 88

An Act to amend
The Representation Act

1st Reading

April 17th, 1972

2nd Reading

3rd Reading

MR. YOUNG

(Private Member's Bill)

BILL 67

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Election Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment requires that contributors to election campaigns report contributions of more than \$100 to the Chief Election Officer.

BILL 67

1972

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act*, being chapter 142 of The Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 161a, enacted}

161a. Every person or corporation contributing money or its equivalent in the amount or value of more than \$100 to the provincial election campaign of any individual or party shall, within three months after the election, submit a detailed and itemized report of such contribution to the Chief Election Officer. ^{Contributors required to report campaign contributions}

2. This Act may be cited as *The Election Amendment Act*, ^{Short title} 1972.

An Act to amend The Election Act

1st Reading

April 17th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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Government
Publications

BILL 68

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act



MR. FOULDS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill limits the power to make regulations prohibiting the use of studded tires in the named territorial districts.

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. FOULDS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill limits the power to make regulations prohibiting the use of studded tires in the named territorial districts.

BILL 68

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 44 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof “Subject to subsection 4”.

(2) The said section 44 is amended by adding thereto the following subsections:

(4) A regulation made under clause *d* of subsection 1 shall be deemed not to prohibit the use of studded tires on a highway in the territorial districts of Algoma, Cochrane, Kenora, Nipissing, Rainy River, Sudbury, Thunder Bay or Timiskaming during the period commencing with the 1st day of October in any year and ending with the 1st day of May in the following year.

(5) In subsection 4, “studded tire” means a tire into the tread of which have been imbedded hard material devices none of which is more than one-quarter of an inch in diameter and none of which projects more than one-sixteenth of an inch beyond the tread of the tire.

2. This Act comes into force on the day it receives Royal Assent.

3.. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

An Act to amend
The Highway Traffic Act

1st Reading

April 18th, 1972

2nd Reading

3rd Reading

MR. FIELDS

(Private Member's Bill)

BILL 68

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 44 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof “Subject to subsection 4”.

(2) The said section 44 is amended by adding thereto the following subsections:

(4) A regulation made under clause *d* of subsection 1 shall be deemed not to prohibit the use of studded tires on a highway in the territorial districts of Algoma, Cochrane, Kenora, Nipissing, Rainy River, Sudbury, Thunder Bay or Timiskaming during the period commencing with the 1st day of October in any year and ending with the 1st day of May in the following year.

(5) In subsection 4, “studded tire” means a tire into the tread of which have been imbedded hard material devices none of which is more than one-quarter of an inch in diameter and none of which projects more than one-sixteenth of an inch beyond the tread of the tire.

2. This Act comes into force on the day it receives Royal Assent.

3.. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

An Act to amend
The Highway Traffic Act

1st Reading

April 18th, 1972

2nd Reading

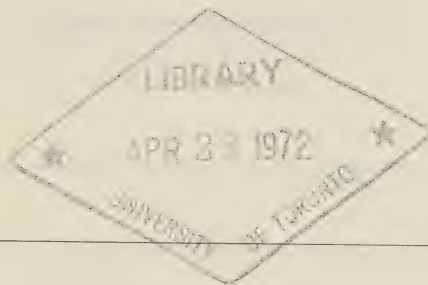
3rd Reading

MR. FOULDS

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Crown Timber Act



THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill corrects an internal reference, with no change in substance.

BILL 69

1972

**An Act to amend
The Crown Timber Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 51 of *The Crown Timber Act*, being ^{s. 51 (a),} amended chapter 102 of the Revised Statutes of Ontario, 1970, is amended by striking out "8" in the second line and inserting in lieu thereof "7".
2. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of September, 1971.
ment
3. This Act may be cited as *The Crown Timber Amendment* ^{Short title} Act, 1972.

An Act to amend
The Crown Timber Act

1st Reading

April 18th, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

BILL 69

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Crown Timber Act

THE HON. L. BERNIER
Minister of Natural Resources



BILL 69

1972

**An Act to amend
The Crown Timber Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 51 of *The Crown Timber Act*, being ^{s. 51 (a), amended} chapter 102 of the Revised Statutes of Ontario, 1970, is amended by striking out "8" in the second line and inserting in lieu thereof "7".
2. This Act shall be deemed to have come into force on the ^{Commence-}1st day of September, 1971.
ment
3. This Act may be cited as *The Crown Timber Amendment* ^{Short title} Act, 1972.

An Act to amend
The Crown Timber Act

1st Reading

April 18th, 1972

2nd Reading

April 25th, 1972

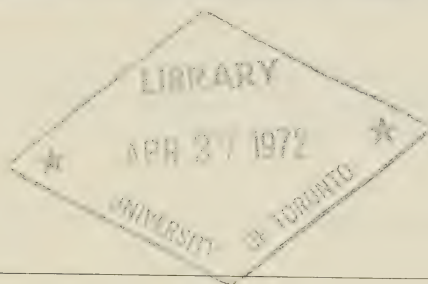
3rd Reading

April 25th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

BILL 70**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Provincial Parks Act

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill corrects an internal reference, with no change in substance.

BILL 70

1972

**An Act to amend
The Provincial Parks Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Provincial Parks Act*, ^{s. 9 (2),} _{amended} being chapter 371 of the Revised Statutes of Ontario, 1970, is amended by striking out "17" in the third line and inserting in lieu thereof "18".
2. This Act shall be deemed to have come into force on the ^{Commence-} _{ment} 1st day of September, 1971.
3. This Act may be cited as *The Provincial Parks Amend-* ^{Short title} _{ment Act, 1972.}

An Act to amend
The Provincial Parks Act

1st Reading

April 18th, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

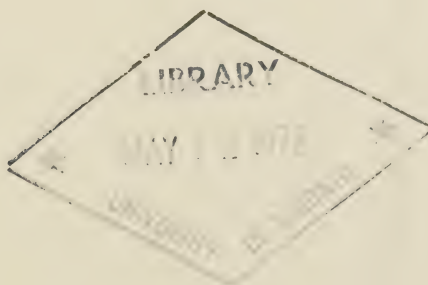
BILL 70

Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Provincial Parks Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 70

1972

**An Act to amend
The Provincial Parks Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 2 of section 9 of *The Provincial Parks Act*, s. 9 (2),^{amended} being chapter 371 of the Revised Statutes of Ontario, 1970, is amended by striking out "17" in the third line and inserting in lieu thereof "18".
- 2.** This Act shall be deemed to have come into force on the 1st day of September, 1971. <sup>Commence-
ment</sup>
- 3.** This Act may be cited as *The Provincial Parks Amend- Short title
ment Act, 1972.*

An Act to amend
The Provincial Parks Act

1st Reading

April 18th, 1972

2nd Reading

April 25th, 1972

3rd Reading

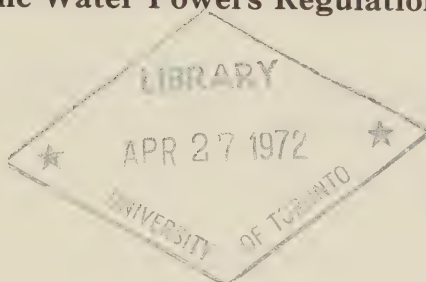
April 25th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

BILL 71

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to repeal The Water Powers Regulation Act

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 71

1972

**An Act to repeal
The Water Powers Regulation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Water Powers Regulation Act*, being chapter 492 of the ^{Act} Revised Statutes of Ontario, 1970, is repealed._{repealed}
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
3. This Act may be cited as *The Water Powers Regulation* ^{Short title} *Repeal Act, 1972*.

An Act to repeal
The Water Powers Regulation Act

1st Reading

April 18th, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to repeal The Water Powers Regulation Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 71

1972

**An Act to repeal
The Water Powers Regulation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Water Powers Regulation Act*, being chapter 492 of the ^{Act} Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
3. This Act may be cited as *The Water Powers Regulation* ^{Short title} *Repeal Act, 1972*.

BILL 71

An Act to repeal
The Water Powers Regulation Act

1st Reading

April 18th, 1972

2nd Reading

April 25th, 1972

3rd Reading

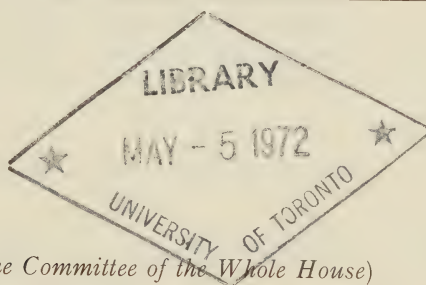
April 25th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Lands Act

THE HON. L. BERNIER
Minister of Natural Resources



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The section is amended to bring it into line with *The Government Reorganization Act, 1972*.

SECTION 2. The intent of the section is clarified.

SECTIONS 3, 4 AND 5. Internal references are corrected, with no change in substance.

BILL 72

1972

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 2. The Minister shall have charge of the management, sale and disposition of the public lands and forests. s. 2,
re-enacted
Function
of Minister
2. Subsection 3 of section 11 of the said Act is repealed and the following substituted therefor: s. 11 (3),
re-enacted
 - (3) Where letters patent have been issued for any land that is affected by an annulment under subsection 1, the Minister shall cause the letters patent to be cancelled and letters patent containing a revised description of the land to be issued in their stead and letters patent heretofore or hereafter so issued shall, Substitution
of letters
patent
 - (a) relate back to the date of the letters patent so cancelled;
 - (b) have the same effect as if issued at the date of such cancelled letters patent; and
 - (c) have the effect of amending, *mutatis mutandis*, every instrument made prior to the date of such cancelled letters patent by the patentee or any person claiming through or under him.
3. Subsection 1 of section 16 of the said Act is amended by striking out "or" in the fourth line and inserting in lieu thereof "of". s. 16 (1),
amended

s. 19,
amended

4. Section 19 of the said Act is amended by striking out "or" in the sixth line and inserting in lieu thereof "of".

s. 35,
amended

5. Section 35 of the said Act is amended by striking out "of" in the eighth line and inserting in lieu thereof "or".

s. 39,
re-enacted

6. Section 39 of the said Act is repealed and the following substituted therefor:

Annual list
to assessment
com-
missioners

R.S.O. 1970,
c. 32

39. The Minister shall in the month of February in every year transmit to each assessment commissioner appointed under *The Assessment Act* a list of all lands in the assessment region patented, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a licence of occupation was issued during the next preceding calendar year and a list of the cancellations of any licence of occupation, sale, lease, location or appropriation of land in the assessment region during the next preceding calendar year.

s. 45a,
enacted

7. The said Act is amended by adding thereto the following section:

Sale of water
powers and
privileges

45a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister in his discretion may fix the terms and conditions upon which water powers or privileges granted by the Crown and any public lands necessary for the development thereof may be leased or developed.

Agreements,
etc., to be
signed by
Minister

(2) The Minister may sign all agreements, leases, licences, renewals or other writings relating to water powers or privileges or any public lands necessary for the development thereof.

Part of
Plan M-114
Sault Ste.
Marie,
amended

8.—(1) The designation "Park Area" on the plan of subdivision of part of the west half of Lot 15 in Concession III in the Township of Wicksteed in the District of Algoma by J. Lanning, Ontario Land Surveyor, dated the 23rd day of July, 1947 and filed in the Office of Land Titles at Sault Ste. Marie as Plan M-114, is expunged and the land is vested in Her Majesty the Queen in right of Ontario free of any right, title, interest or trust that may have been created by such designation.

Amended
plan to be
registered

(2) The Minister shall cause an amended plan of the lands mentioned in subsection 1 to be filed in the Office of Land Titles at Sault Ste. Marie.

SECTION 6. The amendment provides for the sending of the annual list to assessment commissioners appointed under *The Assessment Act*.

SECTION 7. The issue of water power lease agreements, formerly provided for in *The Water Powers Regulation Act* is now provided for under this Act.

SECTION 8. Self-explanatory.

SECTION 9. Self-explanatory.

9. The letters patent dated the 24th day of January, 1930^{Letters patent amended} granting part of Winthuysen Square containing five and one-half acres, more or less, to The Municipal Corporation of the Town of Meaford are amended by striking out the habendum, which reads: "To have and to hold unto the said The Municipal Corporation of the Town of Meaford for Public Park Purposes only and no conveyance of the whole or any part of the same shall be made by the said Corporation without the approval of the Lieutenant Governor in Council".

10.—(1) This Act, except sections 3, 4 and 5, comes into^{Commence-ment} force on the day it receives Royal Assent.

(2) Sections 3, 4 and 5 shall be deemed to have come into^{Idem} force on the 1st day of September, 1971.

11. This Act may be cited as *The Public Lands Amendment*^{Short title} Act, 1972.

An Act to amend
The Public Lands Act

1st Reading

April 18th, 1972

2nd Reading

April 25th, 1972

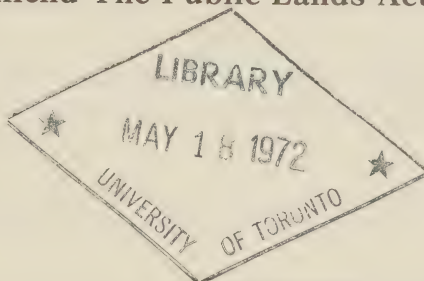
3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Lands Act



THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 72

1972

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 2, re-enacted}
 2. The Minister shall have charge of the management, ^{Function of Minister} sale and disposition of the public lands and forests.
2. Subsection 3 of section 11 of the said Act is repealed ^{s. 11 (3), re-enacted} and the following substituted therefor:
 - (3) Where letters patent have been issued for any land ^{Substitution of letters patent} that is affected by an annulment under subsection 1, the Minister shall cause the letters patent to be cancelled and letters patent containing a revised description of the land to be issued in their stead and letters patent heretofore or hereafter so issued shall,
 - (a) relate back to the date of the letters patent so cancelled;
 - (b) have the same effect as if issued at the date of such cancelled letters patent; and
 - (c) have the effect of amending, *mutatis mutandis*, every instrument made prior to the date of such cancelled letters patent by the patentee or any person claiming through or under him.
3. Subsection 1 of section 16 of the said Act is amended by ^{s. 16 (1), amended} striking out "or" in the fourth line and inserting in lieu thereof "of".

s. 19,
amended

4. Section 19 of the said Act is amended by striking out "or" in the sixth line and inserting in lieu thereof "of".

s. 35,
amended

5. Section 35 of the said Act is amended by striking out "of" in the eighth line and inserting in lieu thereof "or".

s. 39,
re-enacted

6. Section 39 of the said Act is repealed and the following substituted therefor:

Annual list
to assessment
com-
missioners

R.S.O. 1970,
c. 32

39. The Minister shall in the month of February in every year transmit to each assessment commissioner appointed under *The Assessment Act* a list of all lands in the assessment region patented, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a licence of occupation was issued during the next preceding calendar year and a list of the cancellations of any licence of occupation, sale, lease, location or appropriation of land in the assessment region during the next preceding calendar year.

s. 45a,
enacted

7. The said Act is amended by adding thereto the following section:

Sale of water
powers and
privileges

45a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister in his discretion may fix the terms and conditions upon which water powers or privileges granted by the Crown and any public lands necessary for the development thereof may be leased or developed.

Agreements,
etc., to be
signed by
Minister

(2) The Minister may sign all agreements, leases, licences, renewals or other writings relating to water powers or privileges or any public lands necessary for the development thereof.

Part of
Plan M-114
Sault Ste.
Marie,
amended

8.—(1) The designation "Park Area" on the plan of subdivision of part of the west half of Lot 15 in Concession III in the Township of Wicksteed in the District of Algoma by J. Lanning, Ontario Land Surveyor, dated the 23rd day of July, 1947 and filed in the Office of Land Titles at Sault Ste. Marie as Plan M-114, is expunged and the land is vested in Her Majesty the Queen in right of Ontario free of any right, title, interest or trust that may have been created by such designation.

Amended
plan to be
registered

(2) The Minister shall cause an amended plan of the lands mentioned in subsection 1 to be filed in the Office of Land Titles at Sault Ste. Marie.

9. The letters patent dated the 24th day of January, 1930^{Letters patent amended} granting part of Winthuysen Square containing five and one-half acres, more or less, to The Municipal Corporation of the Town of Meaford are amended by striking out the habendum, which reads: "To have and to hold unto the said The Municipal Corporation of the Town of Meaford for Public Park Purposes only and no conveyance of the whole or any part of the same shall be made by the said Corporation without the approval of the Lieutenant Governor in Council".

10.—(1) This Act, except sections 3, 4 and 5, comes into^{Commencement} force on the day it receives Royal Assent.

(2) Sections 3, 4 and 5 shall be deemed to have come into^{Idem} force on the 1st day of September, 1971.

11. This Act may be cited as *The Public Lands Amendment*^{Short title} Act, 1972.

An Act to amend
The Public Lands Act

1st Reading

April 18th, 1972

2nd Reading

April 25th, 1972

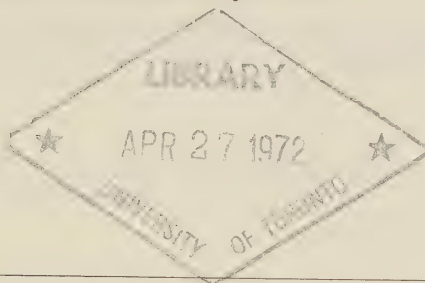
3rd Reading

April 25th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Surveys Act



THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 TO 5. Internal references are corrected, with no change in substance.

SECTION 6. This new section authorizes the making of agreements respecting the installation of survey monuments on privately owned lands and the performance of co-ordinate surveys.

BILL 73

1972

An Act to amend The Surveys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of subsection 2 of section 17 of *The Surveys Act*, being chapter 453 of the Revised Statutes of Ontario, 1970, is amended by inserting after "corner" in the first line "is a corner". s. 17 (2),
par. 2,
amended

2. Subsection 1 of section 22 of the said Act is amended by striking out "to" in the fourth line and inserting in lieu thereof "or". s. 22 (1),
amended

3. Subsection 1 of section 23 of the said Act is amended by striking out "survey" in the first line and inserting in lieu thereof "surveyor". s. 23 (1),
amended

4. Paragraph 4 of subsection 2 of section 24 of the said Act is amended by striking out "line" in the second line and inserting in lieu thereof "side line". s. 24 (2),
par. 4,
amended

5. Paragraph 3 of subsection 2 of section 37 of the said Act is amended by striking out "of" in the fourth line and inserting in lieu thereof "and". s. 37 (2),
par. 3,
amended

6. The said Act is amended by adding thereto the following section: s. 61a,
enacted

61a.—(1) The Minister or the Minister of Government Agreements
Services may enter into agreements with the owners of lands respecting the installation of survey monuments on the lands.

(2) An agreement entered into under subsection 1 may be entered into for a term of years mentioned in the agreement or in perpetuity. Term of
agreement

(3) Without limiting the generality of any provision of an Act or any assignment made thereunder, the Execution of
agreements

Surveyor General may execute an agreement entered into under subsection 1 on behalf of the Minister or the Minister of Government Services.

Registration
of agreements

- (4) An agreement entered into under subsection 1 may be registered in the proper registry or land titles office, and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement.

Agreements

- (5) The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them or any municipality, metropolitan municipality, regional municipality or district municipality may enter into an agreement with respect to the performance of co-ordinate surveys and the installation and maintenance of monuments.

Commence-
ment

- 7.**—(1) This Act, except sections 1, 2, 3, 4 and 5 inclusive, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1, 2, 3, 4 and 5 shall be deemed to have come into force on the 1st day of September, 1971.

Short title

- 8.** This Act may be cited as *The Surveys Amendment Act, 1972*.

BILL 73

An Act to amend
The Surveys Act

1st Reading

April 18th, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Surveys Act

THE HON. L. BERNIER
Minister of Natural Resources





An Act to amend The Surveys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of subsection 2 of section 17 of *The Surveys Act*, being chapter 453 of the Revised Statutes of Ontario, 1970, is amended by inserting after "corner" in the first line "is a corner". s. 17 (2),
par. 2,
amended
2. Subsection 1 of section 22 of the said Act is amended by striking out "to" in the fourth line and inserting in lieu thereof "or". s. 22 (1),
amended
3. Subsection 1 of section 23 of the said Act is amended by striking out "survey" in the first line and inserting in lieu thereof "surveyor". s. 23 (1),
amended
4. Paragraph 4 of subsection 2 of section 24 of the said Act is amended by striking out "line" in the second line and inserting in lieu thereof "side line". s. 24 (2),
par. 4,
amended
5. Paragraph 3 of subsection 2 of section 37 of the said Act is amended by striking out "of" in the fourth line and inserting in lieu thereof "and". s. 37 (2),
par. 3,
amended
6. The said Act is amended by adding thereto the following section: s. 61a,
enacted

61a.—(1) The Minister or the Minister of Government Services may enter into agreements with the owners of lands respecting the installation of survey monuments on the lands. Agreements

(2) An agreement entered into under subsection 1 may be entered into for a term of years mentioned in the agreement or in perpetuity. Term of
agreement

(3) Without limiting the generality of any provision of an Act or any assignment made thereunder, the Execution of
agreements

Surveyor General may execute an agreement entered into under subsection 1 on behalf of the Minister or the Minister of Government Services.

Registration
of agreements

- (4) An agreement entered into under subsection 1 may be registered in the proper registry or land titles office, and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement.

Agreements

- (5) The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them or any municipality, metropolitan municipality, regional municipality or district municipality may enter into an agreement with respect to the performance of co-ordinate surveys and the installation and maintenance of monuments.

Commence-
ment

- 7.—(1) This Act, except sections 1, 2, 3, 4 and 5 inclusive, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1, 2, 3, 4 and 5 shall be deemed to have come into force on the 1st day of September, 1971.

Short title

8. This Act may be cited as *The Surveys Amendment Act, 1972*.

An Act to amend
The Surveys Act

1st Reading

April 18th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to establish three classes of chauffeur's licences related to the size and complexity of operation of the motor vehicle being driven. Provision is made for chauffeurs' learners' permits, and tests designed to reveal an applicant's driving ability are to be devised and administered. Existing chauffeurs' licences will expire when the Act comes into force, and exchanges of such licences for the ones of the new classes will be in accordance with terms and conditions to be prescribed.

BILL 74

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 16 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 16 (1), re-enacted}

(1) No person shall operate or drive a motor vehicle on a highway as a chauffeur unless he is the holder of a class of chauffeur's licence entitling him to drive such vehicle, and no person shall employ anyone to drive a motor vehicle who is not the holder of a class of chauffeur's licence entitling him to drive such vehicle. ^{Chauffeur's licence}

(2) Subsection 3 of the said section 16 is repealed and the following substituted therefor: ^{s. 16 (3), re-enacted}

(3) Chauffeurs' licences shall be of three classes as follows: ^{Classes of licence}

1. Class 1—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus, truck-trailer combination, tractor-trailer combination or any truck.
2. Class 2—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus or any truck.
3. Class 3—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab or any truck.

(3) The said section 16 is amended by adding thereto the following subsections: ^{s. 16, amended}

When
deemed
driving
without a
licence

- (4) Where the holder of any class of chauffeur's licence drives or operates a motor vehicle on the highway other than of the type permitted by his class of licence, he shall be deemed to be driving or operating a motor vehicle without a licence.

Chauffeurs'
learners'
permits

- (5) Notwithstanding the provisions of subsection 1, any person who desires to qualify for a chauffeur's licence of any of the classes prescribed by subsection 3, may drive or operate a motor vehicle as a chauffeur for a period of six months from the date of issuance to him of a chauffeur's learner's permit, in accordance with the terms of such permit.

Learners
to drive
under
supervision

- (6) The holder of a chauffeur's learner's permit shall not drive a motor vehicle as a chauffeur except under the immediate supervision and control of a chauffeur who holds a licence of the class permitting him to drive such vehicle, and where the holder of a chauffeur's learner's permit drives a motor vehicle in contravention of this subsection he shall be deemed to be driving or operating the motor vehicle without a licence.

Exchange of
subsisting
chauffeurs
licences

- (7) The holder of a chauffeur's licence or an operator's licence issued prior to the day this Act comes into force may exchange such licence for a chauffeur's licence of any one of the classes prescribed by subsection 3 on such terms and conditions as the Lieutenant Governor in Council may prescribe.

Tests for
licence

- (8) The Minister shall devise, revise from time to time as appropriate, and administer tests for persons applying for chauffeurs' learners' permits and each of the several classes of chauffeurs' licences prescribed by subsection 3.

Evidence
of driving
ability

- (9) The tests mentioned in subsection 8 shall be designed to furnish the Minister with evidence as to the ability of an applicant to drive safely the class or classes of motor vehicle involved.

Terms of
licence

- (10) Subject to satisfactory performance on the tests mentioned in subsection 8, chauffeurs' learners' permits and chauffeurs' licences of any of the classes prescribed by subsection 3 may be issued by the Minister to such persons for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant Governor in Council may prescribe.

- (11) Notwithstanding the date of expiry appearing on any chauffeur's licence issued prior to the day this Act comes into force, all such chauffeurs' licences expire on the day this Act comes into force.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

An Act to amend
The Highway Traffic Act

1st Reading

April 18th, 1972

2nd Reading

3rd Reading

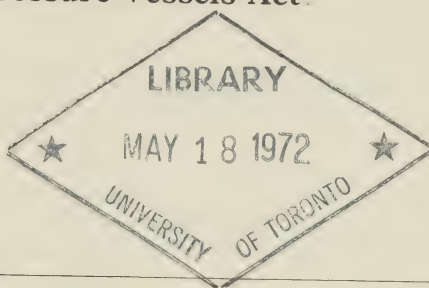
MR. SHULMAN

(Private Members' Bill)

BILL 75

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Boilers and Pressure Vessels Act**



THE HON. E. WINKLER
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 75

1972

An Act to amend The Boilers and Pressure Vessels Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boilers and Pressure Vessels Act*, being ^{s. 1,} chapter 47 of the Revised Statutes of Ontario, 1970, is ^{amended} amended by adding thereto the following paragraph:

21a. "professional engineer" means a person registered as a professional engineer or a person who is licensed to practice as a professional engineer under *The* ^{R.S.O. 1970,} *Professional Engineers Act*. ^{c. 366}

2. Section 14 of the said Act is amended by adding ^{s. 14,} thereto the following subsection: ^{amended}

(1a) Where approval and registration is sought for the design of a boiler or pressure vessel to be fabricated for use in Ontario the designer shall submit, with the design and specifications, drawings of the design that bear the signature and seal of a professional engineer. ^{Drawings by professional engineer}

3. Section 27 of the said Act is repealed and the following ^{s. 27,} substituted therefor: ^{re-enacted}

27. Every owner of a boiler, pressure vessel or plant ^{Duties of owner} shall ensure that the boiler, pressure vessel or plant is maintained in a safe working condition and operated safely.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The Boilers and Pressure* ^{Short title} *Vessels Amendment Act, 1972*.

An Act to amend
The Boilers and Pressure Vessels Act

1st Reading

April 18th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

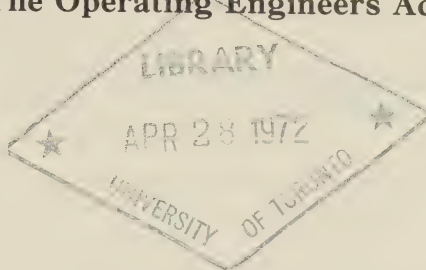
THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

BILL 76

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Operating Engineers Act



THE HON. E. WINKLER
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The Therm-hour ratings to qualify certain plants is increased.

SECTION 2. The exemption of certain compressors and boilers is enlarged.

BILL 76

1972

An Act to amend The Operating Engineers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Operating Engineers Act*, being chapter 333 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1, par. 8,
re-enacted

8. “compressor plant” means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 3.816.

(2) Paragraph 19 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 19,
re-enacted

19. “refrigeration plant” means an installation comprised of one or more refrigerant compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 2.544.

2.—(1) Section 2 of the said Act is amended by adding thereto the following clause: s. 2,
amended

- (ja) a compressor of the centrifugal, screw, turbine, rotary vane or rotary lobe type.

(2) Clauses *l* and *m* of the said section 2 are repealed and the following substituted therefor: s. 2, cls. *l*, *m*,
re-enacted

- (*l*) a compressor or an installation comprised of more than one compressor, whether or not connected to a registered plant, where,

- (i) the Therm-hour rating of the prime mover of the compressor is 1.145 or less, or
 - (ii) the Therm-hour rating of the prime mover of each compressor of the installation is 1.145 or less and the total Therm-hour rating of the installation is 3.816 or less;
- (*m*) a refrigerant compressor or an installation comprised of more than one refrigerant compressor, whether or not connected to a registered plant, where,
- (i) the Therm-hour rating of the prime mover of the refrigerant compressor is 0.7632 or less, or
 - (ii) the Therm-hour rating of the prime mover of each refrigerant compressor of the installation is 0.7632 or less and the total Therm-hour rating of the installation is 2.544 or less.

s. 2, cls. *o*, *p*,
re-enacted;
s. 2, cls. *q*, *r*, *s*,
enacted

(3) Clauses *o* and *p* of the said section 2 are repealed and the following substituted therefor:

- (*o*) a boiler or an installation comprised of more than one boiler, whether or not connected to a registered plant, where,
- (i) the boiler contains steam at a pressure of 15 or less, or water at a temperature at any boiler outlet of 250° F. or less, has a Therm-hour rating of 10 or less, and is not connected to another boiler, or
 - (ii) each boiler of the installation contains steam at a pressure of 15 or less, or water at a temperature at any boiler outlet of 250° F. or less, and each boiler has a Therm-hour rating of 10 or less, and the total Therm-hour rating of the installation is 50 or less;
- (*p*) a boiler or an installation comprised of more than one boiler, whether or not connected to a registered plant, where,
- (i) the boiler contains steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F., has a Therm-hour rating of 5 or less and is not connected to another boiler, or

SECTION 3. Provision is made for recognition of courses of training for qualifying operating engineers for certificates. Also the expiry date of certificates is altered for the purposes of data processing.

SECTION 4. The provision is amended to change its voice from the passive to the active.

- (ii) each boiler of the installation contains steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F., and each boiler has a Therm-hour rating of 5 or less, and the total Therm-hour rating of the installation is 17 or less;
- (q) any boiler, compressor or refrigerant compressor that was installed as an unattended plant before the day upon which *The Operating Engineers Amendment Act, 1972* came into force;
- (r) a coiled tube boiler containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250° F. or less and having a water content of 150 Imperial gallons or less;
- (s) a coiled tube boiler containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F. and having a water content of 75 Imperial gallons or less.

3. Section 22 of the said Act is repealed and the following ^{s. 22,} substituted therefor: ^{re-enacted}

22.—(1) The Board shall issue, in accordance with the ^{Certificate of} regulations, a certificate of qualification to any person ^{qualification} who,

- (a) shows proof satisfactory to the Board of having acquired the qualifying experience required by the regulations;
- (b) passes the examination conducted by the Board, or furnishes evidence that he has successfully completed a course of training that the Minister has approved for the purpose upon the advice of the board of review; and
- (c) pays the fee prescribed by the regulations.

(2) Every certificate of qualification remains in force as ^{Term} prescribed by the regulations.

4. Sections 26 and 27 of the said Act are repealed and ^{s. 26,} the following substituted therefor: ^{re-enacted;} ^{s. 27,} ^{repealed}

26. Every operating engineer or operator shall display ^{Posting of} conspicuously his certificate of qualification in the ^{certificates} engine room, compressor room or boiler room of the

plant in which the operating engineer or operator works, except in the case of a steam hoisting or hoisting engineer, in which case he shall carry the certificate upon his person.

s. 30a,
enacted

5. The said Act is amended by adding thereto the following section:

False
statements

30a. No person shall knowingly make a false statement or entry in an application, log book or document required by this Act or the regulations to be submitted or kept or knowingly furnish information under this Act or the regulations that is false, or knowingly make use of any such false statement, entry or information.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Operating Engineers Amendment Act, 1972*.

SECTION 5. Self-explanatory.

An Act to amend
The Operating Engineers Act

1st Reading

April 18th, 1972

2nd Reading

3rd Reading

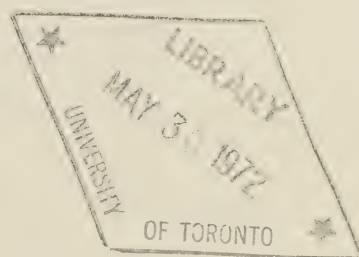
THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Operating Engineers Act

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 76

1972

An Act to amend The Operating Engineers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Operating Engineers Act*, being chapter 333 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1, par. 8,
re-enacted

8. “compressor plant” means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 3.816.

(2) Paragraph 19 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 19,
re-enacted

19. “refrigeration plant” means an installation comprised of one or more refrigerant compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 2.544.

2.—(1) Section 2 of the said Act is amended by adding thereto the following clause: s. 2,
amended

- (ja) a compressor of the centrifugal, screw, turbine, rotary vane or rotary lobe type.

(2) Clauses *l* and *m* of the said section 2 are repealed and the following substituted therefor: s. 2, cls. *l*, *m*,
re-enacted

- (*l*) a compressor or an installation comprised of more than one compressor, whether or not connected to a registered plant, where,

- (i) the Therm-hour rating of the prime mover of the compressor is 1.145 or less, or
- (ii) the Therm-hour rating of the prime mover of each compressor of the installation is 1.145 or less and the total Therm-hour rating of the installation is 3.816 or less;
- (m) a refrigerant compressor or an installation comprised of more than one refrigerant compressor, whether or not connected to a registered plant, where,
 - (i) the Therm-hour rating of the prime mover of the refrigerant compressor is 0.7632 or less, or
 - (ii) the Therm-hour rating of the prime mover of each refrigerant compressor of the installation is 0.7632 or less and the total Therm-hour rating of the installation is 2.544 or less.

s. 2, cls. *o*, *p*,
re-enacted,
s. 2, cls. *q*, *r*, *s*,
enacted

(3) Clauses *o* and *p* of the said section 2 are repealed and the following substituted therefor:

- (*o*) a boiler or an installation comprised of more than one boiler, whether or not connected to a registered plant, where,
 - (i) the boiler contains steam at a pressure of 15 or less, or water at a temperature at any boiler outlet of 250° F. or less, has a Therm-hour rating of 10 or less, and is not connected to another boiler, or
 - (ii) each boiler of the installation contains steam at a pressure of 15 or less, or water at a temperature at any boiler outlet of 250° F. or less, and each boiler has a Therm-hour rating of 10 or less, and the total Therm-hour rating of the installation is 50 or less;
- (*p*) a boiler or an installation comprised of more than one boiler, whether or not connected to a registered plant, where,
 - (i) the boiler contains steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F., has a Therm-hour rating of 5 or less and is not connected to another boiler, or

- (ii) each boiler of the installation contains steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F., and each boiler has a Therm-hour rating of 5 or less, and the total Therm-hour rating of the installation is 17 or less;
- (q) any boiler, compressor or refrigerant compressor that was installed as an unattended plant before the day upon which *The Operating Engineers Amendment Act, 1972* came into force;
- (r) a coiled tube boiler containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250° F. or less and having a water content of 150 Imperial gallons or less;
- (s) a coiled tube boiler containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F. and having a water content of 75 Imperial gallons or less.

3. Section 22 of the said Act is repealed and the following ^{s. 22, re-enacted} substituted therefor:

22.—(1) The Board shall issue, in accordance with the regulations, a certificate of qualification to any person who, ^{Certificate of qualification}

- (a) shows proof satisfactory to the Board of having acquired the qualifying experience required by the regulations;
- (b) passes the examination conducted by the Board, or furnishes evidence that he has successfully completed a course of training that the Minister has approved for the purpose upon the advice of the board of review; and

(c) pays the fee prescribed by the regulations.

(2) Every certificate of qualification remains in force as ^{Term} prescribed by the regulations.

4. Sections 26 and 27 of the said Act are repealed and the following ^{s. 26, re-enacted; s. 27, repealed} substituted therefor:

26. Every operating engineer or operator shall display ^{Posting of certificates} conspicuously his certificate of qualification in the engine room, compressor room or boiler room of the

plant in which the operating engineer or operator works, except in the case of a steam hoisting or hoisting engineer, in which case he shall carry the certificate upon his person.

s. 30a,
enacted

5. The said Act is amended by adding thereto the following section:

False
statements

30a. No person shall knowingly make a false statement or entry in an application, log book or document required by this Act or the regulations to be submitted or kept or knowingly furnish information under this Act or the regulations that is false, or knowingly make use of any such false statement, entry or information.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Operating Engineers Amendment Act, 1972.*

BILL 76

An Act to amend
The Operating Engineers Act

1st Reading

April 18th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

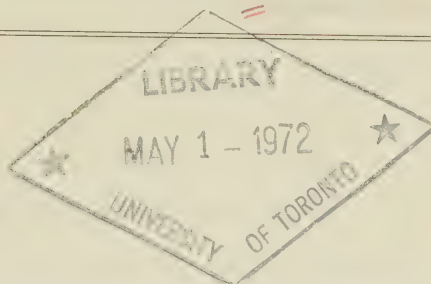
May 11th, 1972

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

BILL 77

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting Municipal Elections**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill consolidates and includes substantially all the provisions and procedures for the conduct of municipal, school board and other local board elections and for voting on by-laws and questions which heretofore have been provided in *The Municipal Act*, *The Voters' Lists Act*, *The Municipal Franchise Extension Act* and in other Acts.

The preliminary list of electors is to be based on information obtained by way of the annual enumeration now to be carried out by the assessment commissioner during the five weeks immediately following Labour Day.

Similar provisions for revision of the list of electors as now exist have been made and the clerk is the revising officer.

Provision is also made for,

- (a) the broadening of the municipal franchise to include all qualified residents of a municipality;
- (b) conformity, as far as possible, of election procedures with those for provincial elections;
- (c) the harmonizing of all local government elections, including elections for school boards; polling day for all such purposes being the first Monday in December of an election year;
- (d) a uniform two-year term of office for municipal councils, school boards and other local boards;
- (e) mandatory advance polls to be held the Monday and Saturday, seven and two days respectively, prior to polling day at all elections;
- (f) the conduct of by-elections where such elections are required;
- (g) proxy voting by disabled persons and by students, otherwise qualified to vote, attending educational institutions;
- (h) a new procedure for the filing of nominations.

BILL 77

1972

An Act respecting Municipal Elections

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "advance poll" means a poll held under section 62;
2. "assessment commissioner" in relation to a municipality means the assessment commissioner appointed under *The Assessment Act* for the assessment region in which the municipality is situate; R.S.O. 1970,
c. 32
3. "assistant returning officer" means a person appointed by the clerk to assist him in the conduct of the election;
4. "assistant revising officer" means a person appointed by the clerk to assist him in the revision of the list of electors;
5. "candidate" means a person who is nominated for election to office in accordance with this Act and whose nomination is certified by the clerk;
6. "clerk" with respect to a municipality means the clerk of the municipality;
7. "constable" means a constable or a person appointed as a constable by the clerk or the deputy returning officer to maintain peace and order at an election;
8. "corrupt practice" means any act or omission in connection with an election in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act; R.S.C. 1970,
c. C-34
9. "deputy returning officer" means a deputy returning officer appointed for a polling place under this Act.

R.S.O. 1970,
c. 118

R.S.O. 1970,
c. 32

10. "election" means an election governed by this Act;
11. "election assistant" means a person appointed by the clerk to assist in the conduct of an election;
12. "election year" means a year in which a regular election is held in accordance with the provisions of this Act;
13. "elector" means a person entitled under this Act to vote in an election;
14. "enumerated" means enumerated under *The Assessment Act*;
15. "local board" means a local board as defined in *The Municipal Affairs Act*;
16. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
17. "municipality" means a city, town, village or township;
18. "new election" means an election other than a regular election;
19. "nomination day" means the last day for filing nominations;
20. "oath" includes an affirmation;
21. "office" means an office, the election to which is governed by this Act;
22. "owner or tenant" means a person enumerated as owner or tenant of land separately assessed or liable to be separately assessed under *The Assessment Act*;
23. "polling day" means the day on which the poll is to be taken under this Act;
24. "polling list" means the list of electors for each polling subdivision revised and certified by the clerk with a certified copy of the statement of changes and additions attached thereto;
25. "polling subdivision" means a polling subdivision established by the clerk under this Act;

26. "preliminary list" means a preliminary list of electors;
27. "prescribed" means prescribed by the Minister;
28. "public school elector" means a person enumerated who is not a separate school elector;
29. "quorum" means a majority of the members of council or of a local board or the trustees of a police village, as the case may be;
30. "regular election" means an election required to be held biennially under section 10 of this Act;
31. "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:
 - (a) The place where a person's family resides shall be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
 - (b) The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place, shall be deemed to be his residence;
32. "scrutineer" means any person appointed as a scrutineer by a candidate under section 6 or by a council under section 7;
33. "separate school elector" means a person who is a Roman Catholic separate school supporter or who is a Roman Catholic and the wife or husband of such supporter and who is enumerated as a separate school elector.

APPLICATION OF ACT

2. Notwithstanding any other general or special Act, this ^{Application of Act} Act applies to and governs all elections,

- (a) to the offices of,

- (i) member of the council of a municipality,
 - (ii) member of the council of a regional municipality where such office is required to be filled by a vote of the electors of an area municipality,
 - (iii) trustee of a police village,
 - (iv) member of a local board whose members are to be elected at elections required by law to be conducted by the same officers and in the same manner as elections of members of the council of a municipality;
- (b) to obtain the assent of electors on any by-law required or authorized by law to be submitted for their assent at an election; and
- (c) to obtain the opinion of the electors on any question required or authorized by law to be submitted to the electors at an election.

ELECTION OFFICIALS

Returning
and
revising
officer

3.—(1) Subject to subsections 2 and 3, the clerk of a municipality is the returning officer and revising officer for the purpose of the conduct of elections within the municipality or a part thereof.

Returning
officer in
police
village

(2) For the purpose of elections of trustees of a police village, the clerk of the municipality in which the police village is located shall be the returning officer for the election and where the police village is located in two or more municipalities,

- (a) the nominations for trustees shall be filed with the clerk of the municipality having the largest number of electors of the police village;
- (b) the clerk of each other municipality in which part of the police village is located shall be the returning officer for the vote to be recorded in his municipality and he shall forthwith report the vote recorded to the returning officer referred to in clause *a* who shall prepare the final summary and announce the vote.

Clerks,
duties in
relation to
school
boards

(3) The clerks of municipalities to which subsections 21, 25 and 26 of section 38 of *The Secondary Schools and Boards of Education Act* and subsections 19 and 20 of section 90 of

The Separate Schools Act apply shall perform the duties as returning officers for the purposes of an election under this Act as are specified in those provisions. R.S.O. 1970, cc.425, 430

4.—(1) The clerk of every municipality shall for the purposes of an election appoint a deputy returning officer and a poll clerk for each polling place established in the municipality and, as far as is practicable, the deputy returning officers and poll clerks shall be appointed for polling places for the polling subdivisions in which they reside. D.R.O. and poll clerk

(2) If a deputy returning officer or poll clerk signifies to the clerk that he will not act, the clerk shall appoint another person to act in his place. Where unable to act

(3) If a deputy returning officer or poll clerk does not attend at the opening of the poll, the clerk shall appoint another person to act in his place. Non-attendance of D.R.O., poll clerk

(4) If a deputy returning officer through illness or for any other reason becomes unable to perform his duties on polling day, the poll clerk shall perform his duties and exercise all his powers. Poll clerk to act for D.R.O.

(5) The clerk may appoint election assistants, assistant returning officers, and assistant revising officers to assist him in the performance of his duties and provide for such clerical and other assistance as is necessary for such purpose. Assistants

(6) The poll clerk and an election assistant, if any, shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders. Duties of poll clerk

(7) Every deputy returning officer, poll clerk, election assistant, assistant returning officer, assistant revising officer and constable shall, before entering upon his duties, take and subscribe an oath in the prescribed form. Oath

(8) The appointment and oath of the deputy returning officer shall be endorsed upon or attached to the poll book for the polling place for which he is appointed. Oath of D.R.O.

5.—(1) Except where otherwise provided, an oath may be administered by any person authorized by law to administer oaths in the Province of Ontario. Who may administer oaths

(2) The clerk may administer any oath required by this Act, and deputy returning officers and poll clerks may administer any such oath except an oath to be taken by the clerk. Idem

No charge (3) Every person administering an oath under or for the purposes of this Act shall administer the oath gratuitously.

Scrutineers appointed by candidate 6.—(1) Each candidate may appoint such number of persons who are at least sixteen years of age as he considers advisable as scrutineers to represent him at the revision of the preliminary list of electors, in a polling place and at the counting of votes under this Act.

Limit on number present (2) Not more than one scrutineer representing each candidate may be present for any of the purposes specified in subsection 1 at any time.

Scrutineers appointed by council 7.—(1) The council of a municipality may, if requested to do so, by resolution appoint as scrutineers in relation to voting on any by-law or question submitted to the electors at an election two persons to attend at the final summing up of the votes by the clerk and two persons to attend at each polling place, one such person in each case on behalf of the persons interested in and desirous of promoting the proposed by-law or voting in the affirmative on the question and the other such person on behalf of the persons interested in and desirous of opposing the proposed by-law or voting in the negative on the question.

Production of appointment (2) A person appointed as a scrutineer under this section before being admitted to a polling place shall, if so requested, produce and show his appointment to the deputy returning officer for the polling place.

COSTS OF ELECTION

Cost of election 8.—(1) Except where otherwise specifically provided by this or any other special or general Act, the cost of an election shall be borne by the municipality in which it is held.

Expenses of officers (2) The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot paper, and balloting compartments, and for the transmission of packets, and reasonable fees and for allowances for services rendered under this Act or otherwise on account of an election shall be paid to the clerk by the treasurer of the municipality and shall be paid by the clerk to the persons entitled thereto.

Expenses of by-election of local board (3) Where the clerk of a municipality is required to conduct an election of members of a local board other than at a regular election, the board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer

of the municipality for advertising the times and places for nomination and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable costs including the cost of printing and distribution of but not preparation otherwise of the polling list.

TERM OF OFFICE

9.—(1) Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be two years, commencing on the first day of January in the year following an election year.^{Two-year term}

(2) The holders of offices hold office until their successors are elected and the newly elected council or local board is organized.^{Until new council organized}

BIENNIAL ELECTIONS

10.—(1) Subject to subsection 2, an election shall be held in accordance with this Act in each municipality in the year 1972 and in every second year thereafter for the purpose of electing persons to offices.^{Election year}

(2) Where the term of office of a member of a council or of a local board terminates at the end of the year 1973, no election shall be held under this Act for that office in the year 1972, but an election for such office shall be held in accordance with this Act on the first Monday in December, 1973, and the persons elected at such election shall hold office for the year 1974 only.^{Where present term terminates in 1973}

(3) Where a by-law requires the assent or a question is authorized or required to be submitted to obtain the opinion of the electors, the vote thereon shall be taken at the next regular election.^{Vote on question, etc.}

POLLING DAY

11. Polling day in a regular election shall be the first Monday in December in each election year.^{Polling day}

QUALIFICATION OF ELECTORS

12. A person is entitled to be an elector in a municipality if he is resident in such municipality at any time during the period of enumeration under section 18 and is at any time during such period,^{Electors, resident}

- (a) a Canadian citizen or other British subject;
- (b) of the full age of eighteen years; and
- (c) not disqualified under this or any other Act or otherwise prohibited by law from voting in the election.

Non-
resident

13. A person is entitled to be an elector in a municipality if he is not resident in such municipality at any time during the period of enumeration under section 18 and is at any time during such period,

- (a) the owner or tenant of land in the municipality or the spouse of such an owner or tenant;
- (b) a Canadian citizen or other British subject;
- (c) of the full age of eighteen years; and
- (d) not disqualified under this or any other Act or otherwise prohibited by law from voting in the election.

Evidence of
citizenship

14. For the purpose of sections 12 and 13, a statutory declaration by a person claiming that he is a Canadian citizen or other British subject is *prima facie* proof of the fact declared to.

QUALIFICATION OF ELECTORS TO VOTE ON MONEY BY-LAWS

Who may
vote on
money
by-laws

15. Every person entitled to be an elector in a municipality under section 12 or 13 is entitled to be an elector to vote on a money by-law submitted for the assent of the electors of the municipality if, he is,

- (a) the owner of land assessed in the municipality; or
- (b) the tenant of land assessed in the municipality under a lease which extends for the time for which the debt or liability to be created or in which the money to be raised by the proposed by-law is payable or for twenty-one years and under which he covenants to pay all municipal taxes in respect of the land other than local improvement rates and he makes and files with the clerk not later than the last day for making complaints for revision of the preliminary list a declaration stating that he is such a tenant.

16.—(1) A corporation that is the owner of land assessed in a ^{Corporate} municipality on the last assessment roll or is a tenant of such ^{nominee} land under a lease that complies with the requirement of clause *b* of section 15 is entitled to nominate a person to be an elector to vote on a proposed money by-law submitted for the assent of the electors of the municipality.

(2) A corporation that is the owner of residential property in ^{Idem} a municipality consisting of units or apartments that are owned on a co-operative basis may nominate a person to be an elector to vote on proposed money by-laws submitted for the assent of the electors in the municipality for each such unit or apartment that is separately assessed on the latest assessment roll for the municipality.

(3) Where a corporation entitled to appoint a nominee to ^{Appointment} vote on its behalf desires to vote on a proposed money by-law, it ^{to be filed} shall, not later than the day for filing complaints for the revision of preliminary lists as hereinafter provided, file with the clerk of the municipality an appointment in writing of a person to vote on a proposed money by-law as its nominee and on its behalf.

POLLING SUBDIVISIONS

17.—(1) Subject to the provisions of subsection 2, the clerk ^{Polling} shall divide the municipality into polling subdivisions ^{subdivisions} and shall not later than the first day of July in an election year inform the assessment commissioner of the boundaries of each subdivision.

(2) A polling subdivision shall not, ^{Size}

(a) so far as is practicable, contain more than 350 electors; or

(b) extend beyond the boundaries of one ward or of an electoral district established for the purposes of the election of members to the Assembly.

PREPARATION OF PRELIMINARY LIST OF ELECTORS

18. An assessment commissioner shall, during the period ^{Preliminary} commencing on the Tuesday following the first Monday in ^{list of} September and ending on the second Tuesday of October in an ^{electors} election year, from an enumeration taken during that period and from information upon which the assessment roll to be returned to the clerk in that year is to be based, compile for each polling subdivision in each municipality in his assessment region a list containing the name of each person

who during such period meets the requirements for an elector under section 12 or 13 and such list shall signify opposite the name of an elector,

- (a) who does not reside in the municipality, that he does not so reside;
- (b) who is enumerated as a Roman Catholic separate school supporter, that he is a separate school elector;
- (c) who is a Roman Catholic and the spouse of a Roman Catholic separate school supporter, that such spouse is a separate school elector;
- (d) who is an owner or tenant of land in the municipality, that he is such an owner or tenant.

For polling
subdivision
where no
wards

19.—(1) In a municipality that is not divided into wards, the name of an elector shall be entered on the preliminary list,

- (a) for the polling subdivision in which the elector resides; or
- (b) if the elector does not reside in the municipality, for the polling subdivision in which he or his spouse is owner or tenant of land.

For one
polling
subdivision
only

(2) No elector shall be entered under this section on the preliminary list for more than one polling subdivision and where an elector who does not reside in the municipality, or his spouse, or both, are owners or tenants of several parcels of land in the municipality in more than one polling subdivision, the elector and his spouse are entitled to have their names entered only in the list for the polling subdivision in which the parcel of land which has the highest assessment of any such lands is situated and, where the assessments of two or more such parcels having the highest assessment are identical and they are situate in two or more polling subdivisions, in only one such subdivision.

For polling
subdivision
where wards

20.—(1) In a municipality that is divided into wards, the name of an elector shall be entered in the preliminary list,

- (a) where he resides in the municipality,
 - i. for the polling subdivision in which he resides of the ward in which he resides, and
 - ii. for the polling subdivision of each other ward in the municipality in which he or his spouse is the owner or tenant of land;

- (b) where he does not reside in the municipality, for a polling subdivision of each ward in which he or his spouse is the owner or tenant of land.

(2) No elector shall be entered under this section on the preliminary list for more than one polling subdivision of any one ward in the municipality and, where an elector or his spouse or both are owners or tenants of several parcels of land situated in more than one polling subdivision of any one ward, his name and the name of his spouse shall be entered in the list only for the polling subdivision of the ward in which the parcel of land which has the highest assessment of any such lands is situated and, where the assessments of two or more such parcels having the highest assessments are identical and they are situated in two or more polling subdivisions of a ward, in only one such subdivision.

21. The assessment commissioner shall deliver the list of electors prepared by him under sections 18, 19 and 20 to the clerk on or before the second Tuesday of October in an election year.

PRELIMINARY LIST OF ELECTORS

22. Immediately after receipt of the list of electors from the assessment commissioner, the clerk shall cause the list to be printed or reproduced and such list shall be the preliminary list of electors.

REVISION OF PRELIMINARY LIST OF ELECTORS

23.—(1) Immediately after the printing or reproduction of the preliminary list of electors, the clerk shall,

- (a) fix the last day for filing with the clerk complaints for revision of the list for the purpose of making additions or corrections to or deletions from it and the places at which and the times when revision of the list will be commenced;
- (b) post one copy of the list in a conspicuous place in his office and one copy of the list for each polling subdivision in a conspicuous place in the polling subdivision for which it is prepared; and
- (c) publish notice in a newspaper having general circulation in the municipality, of the date of the posting of the list, the last day for filing complaints, and the places and times at which the revision of the list will be commenced and, where there is no such newspaper, the notice shall be published in such manner as the

clerk may direct and shall be posted in at least two conspicuous places in the municipality.

Time for
posting

(2) The day of posting copies of the preliminary list and of publishing the notice under subsection 1 shall be at least eight days before the last day for filing complaints.

Notice
affixed
to list

(3) The clerk shall affix to the outside or cover of each copy of the preliminary list of electors for an election a notice in prescribed form, over his name,

- (a) stating that the list is a preliminary list of all electors for the election prepared as required by this Act;
- (b) setting forth the date on which the list was posted up in the office of the clerk;
- (c) giving notice to all electors to examine the list for the purposes of making additions or corrections to or deletions from the list; and
- (d) stating the last day for filing complaints concerning such additions, corrections or deletions.

Copies
of list

(4) At the time of posting a notice under subsection 1, the clerk shall deliver or mail one copy of the preliminary list to,

- (a) the assessment commissioner;
- (b) every member of the council of the municipality and every trustee of a police village all or part of which is in the municipality;
- (c) the secretary of every local board the members of which are required to be elected at an election to be conducted by the clerk;
- (d) the clerk of the council of the county or of the district, regional or metropolitan municipality in which the municipality is situate;
- (e) the clerk of the municipality responsible for conducting the elections in any combined area for school board purposes;
- (f) the member of the House of Commons and the member of the Assembly representing the electoral district in which the municipality or any part thereof is situate.

(5) Every candidate for any office in an election is entitled to be furnished by the clerk with two copies of the preliminary list of electors entitled to vote in an election to such office. Candidates entitled to copies

24.—(1) The clerk or an assistant revising officer shall attend at the revision of the preliminary list and shall continue to do so from day to day or as required until all complaints filed before the last day for filing complaints for revision of the list have been disposed of. Revision of list

(2) Notwithstanding that the time for filing complaints for revision of the preliminary list under section 23 has not expired, the clerk may proceed to consider such complaints as from time to time may be received and may determine and dispose of them. When complaints may be considered

25.—(1) A person whose name has not been included in the preliminary list for a polling subdivision in a municipality or whose name has been included therein but the information relating to him set out therein is incorrect may apply to the clerk or assistant revising officer of the municipality on or before the date fixed by the clerk as the last day for filing complaints for revision of the list to have his name included on the list or to have such information corrected. Application to enter name in list or correct information

(2) Every person applying under this section shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk or assistant revising officer at the applicant's request, and before entering his name on the list or before correcting the preliminary list, as the case may require, the clerk or assistant revising officer shall satisfy himself that the applicant understands the effect of the statements in the application and that he is an elector entitled to have his name included on the list or to have the list corrected pursuant to his request. Application form

(3) When the language of an applicant under this section is not understood by the clerk or assistant revising officer, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused. Interpreter

(4) If it appears to the clerk or assistant revising officer that an applicant under this section understands the effect of the statements in the application and that the applicant is an elector whose name should be included in the polling list or that the amendment thereof that he requests should be made, he shall certify accordingly by signing the application. Decision to amend list

Refusal to
amend list

(5) If, in the opinion of the clerk or assistant revising officer, the statements made by an applicant in his application under this section do not show that the applicant is an elector entitled to have his name included in the polling list or to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.

Application
for deletion
of name

26.—(1) At any time after the posting of the preliminary list of electors for a municipality and until the last day for filing complaints for revision thereof, any person may file with the clerk a complaint, in the prescribed form, for deletion from the list of the name of a person who is not entitled as an elector to have his name entered thereon.

Notice to
person
where name
objected to

(2) The clerk, upon receipt of a complaint under this section, shall forthwith cause to be served personally on or sent by registered mail to the person concerning whom the complaint is made at the address given in the preliminary list and at such other address, if any, as may be mentioned in the complaint, a notice requiring such person to appear in person or by his representative before him on a day to be fixed in the notice.

Copy of
complaint to
be served

(3) A copy of the complaint shall accompany a notice served or sent under this section.

Decision of
clerk, etc.

(4) On the day for the hearing fixed in a notice given under this section, the person filing the complaint shall attend before the clerk or assistant revising officer and establish to his satisfaction the validity of such complaint and the clerk or assistant revising officer after receiving an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the complaint was made, may delete the name from the preliminary list if he is satisfied of the validity of the complaint.

Where person
objected to
does not
appear

(5) Where the person concerning whom a complaint has been made under this section does not attend before the clerk or assistant revising officer on the day of hearing fixed in the notice and the clerk or assistant revising officer is satisfied on oath that due notice of complaint has been given to the person or that he could not be found and the registered notice could not be delivered, the clerk or assistant revising officer may delete the name of such person from the preliminary list of electors but shall not do so except upon evidence under oath which satisfies him that the name should not have been included in the list.

27. Subject to section 31, the decision of the clerk or assistant revising officer to enter on or delete the name of a person as an elector from the preliminary list of electors is final. Decision final

28. Upon determination of all complaints for revision of the preliminary list of electors for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of additions and changes to and deletions from the list and shall send a copy of such statement so certified to each person specified in subsections 4 and 5 of section 23 and to the assessment commissioner. Statement of changes

POLLING LIST

29.—(1) After compilation of the statement of additions, changes and deletions required under section 28, the clerk shall prepare the polling list of electors for each polling subdivision in his municipality by making the appropriate changes in the preliminary list in accordance with the statement and shall certify the list as so revised and attach to it a certified copy of the statement of additions and changes, and the list as so revised is the polling list for the polling subdivision. Polling list

(2) The clerk shall, in preparing the polling list of electors under subsection 1, enter after the name of every elector who is a tenant and who has filed a declaration under section 15 that he is entitled to be an elector to vote on a money by-law the words "Entitled to vote on the by-law" and an elector shown as a tenant on the list without such words added after his name is not entitled to vote on the by-law. Tenants entitled to vote on by-law

(3) Where a corporation has appointed a nominee to vote on its behalf on a proposed money by-law in accordance with section 16, the clerk shall enter the name of the nominee in the polling list for the polling subdivision in which the corporation has its chief office in the municipality as a nominee of a corporation entitled to vote on the by-law in such polling subdivision and such nominee shall be deemed to be an elector so entitled to vote. Nominee of corporation entered in list

30. Except as provided in sections 31 and 49, no person is entitled to vote at an election unless his name appears on the polling list certified under section 29 for the polling subdivision in which he tenders his vote. Only persons on list entitled to vote

31.—(1) If an elector whose name is omitted from a polling list certified under section 29, at any time after preparation of the polling list and prior to the closing of the poll, satisfies the clerk of the municipality that he will on polling day be entitled to be an elector under section 12 or 13 and to have his name entered on a polling list for a polling subdivision in the Entry of name on list by D.R.O.

municipality, the clerk may issue a certificate in the prescribed form authorizing the deputy returning officer for such polling division to enter the name of the elector on the polling list for the subdivision and to permit such person to vote, but such vote must be cast before the closing of the poll.

Certificate
to be
produced

(2) A person is not entitled to vote under this section unless at the time he requests a ballot he produces and files with the deputy returning officer the certificate given by the clerk under subsection 1.

Copy to
assessment
commis-
sioner

(3) The clerk shall furnish a copy of each certificate issued under this section to the assessment commissioner.

QUALIFICATIONS OF CANDIDATES

Candidate's
qualification

32. Unless disqualified under this or any other Act, any person who is qualified to hold an office under the Act constituting the office may be nominated as a candidate for such office.

NOMINATIONS

Nomination
day

33.—(1) Nomination day for a regular election shall be Thursday, the eighteenth day before polling day.

Period for
nomination

(2) The period during which candidates in an election may be nominated shall be the seven days immediately preceding nomination day and until 5 o'clock in the afternoon of nomination day.

Notice of
nomination
period

(3) The clerk shall publish, at least six days prior to the commencement of the period during which candidates in an election may be nominated, notice of the time of commencement and closing of such period and of the offices for which candidates in the election may be nominated in a newspaper having general circulation in the municipality and, where there is no newspaper having a general circulation in the municipality, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

How
nominated

34.—(1) A candidate may be nominated for an office by filing, during the period in which candidates may be nominated, in the office of the clerk during his normal office hours a nomination paper in prescribed form, which,

(a) shall be signed by at least ten electors whose names are entered in the polling lists of electors entitled to vote in an election to such office;

- (b) shall state the name, occupation and address of the candidate in such manner as will identify him and the office for which he is nominated; and
- (c) shall state the name and address of each elector signing the nomination paper and, where the office for which the candidate is nominated is a member of a school board, that such nominator is a public school elector or a separate school supporter, as the fact is.
- (2) No nomination is valid unless there is filed with the nomination paper a consent in writing to the nomination and a declaration of qualification in the prescribed form by the person nominated. Consent and declaration to be filed
- (3) A nomination paper nominating a candidate for an office the holder of which is required to be elected by public school electors shall be signed by public school electors only. Public school nominators
- (4) A nomination paper nominating a candidate for an office the holder of which is required to be elected by separate school electors shall be signed by separate school supporters only. Separate school nominators
- (5) Each candidate for election to an office shall be nominated by a separate nomination paper, but an elector may sign the nomination papers of different candidates. Separate nomination papers
- (6) After a nomination paper is filed with the clerk it shall remain in the possession of the clerk. Clerk to keep nomination paper
- (7) The onus is on the person nominated for election to an office to file a *bona fide* nomination paper. Onus on person nominated
- 35.**—(1) Where a nomination paper is filed in the office of a clerk, the clerk or his assistant returning officer shall endorse upon it the date and time of its filing. Endorsation by clerk
- (2) As the nomination papers are filed with a clerk he shall cause the name, occupation and address of each candidate nominated and the office for which the candidate is nominated to be posted up in his office or other conspicuous place open to inspection by the public. Posting
- (3) Where a nomination paper for a candidate for an office is filed in the office of a clerk prior to nomination day, the paper shall be examined by the clerk and if he is satisfied that the candidate and the requisite number of the nominators whose signatures appear on the nomination paper are electors entitled to vote for the office, he shall so certify in writing. Certificate of clerk

Where
filed on
nomination
day

(4) Where the nomination paper for a candidate in an election is filed in the office of a clerk on nomination day and before the time fixed for the close of nominations,

- (a) the clerk shall accept the nomination paper and announce the name of the candidate;
- (b) if, on examination of the nomination paper prior to 5 o'clock in the afternoon on the day following nomination day, it appears to the clerk that the candidate for an office or the requisite number of nominators whose signatures appear on the nomination paper are not electors entitled to vote for the office, he shall reject the nomination and give notice of the rejection immediately by registered mail to such candidate and all other candidates for that office, but if he is satisfied that the candidate and the nominators meet such requirements, he shall so certify in writing.

Certification
by clerk

(5) Certification by the clerk in accordance with subsection 3 or 4 with respect to a nomination paper shall be conclusive evidence of the facts certified.

List of
candidates

(6) The clerk shall establish and maintain in his office a list setting out the name and residence of every candidate whose nomination has been certified under this section for the respective offices for which candidates may be nominated in the order of certification and copies of this list shall be prominently displayed in one or more locations immediately prior to the time fixed for the closing of nominations.

DEATH OF A CANDIDATE

Election on
death of
candidate

36. If as a result of a candidate nominated for election to an office dying before the close of the poll for the election,

- (a) a person would be elected by acclamation to such office, the election to such office is void and a new election shall be held to fill such office; or
- (b) no person would be elected by acclamation to such office, the name of the deceased candidate shall be omitted from the ballots or if the ballots have already been printed, the clerk shall cause notice of the death of the candidate to be posted up in a conspicuous place in every polling place and the election shall be proceeded with as if the deceased candidate had not been nominated.

WITHDRAWAL OF NOMINATIONS

37.—(1) A person nominated as a candidate in an election may withdraw his nomination by instrument in writing, verified by his affidavit and delivered to the clerk before 5 o'clock in the afternoon of the day following nomination day. ^{Withdrawal of nomination}

(2) Where a person has been nominated for more than one office, he may withdraw in respect of one or more offices for which he is nominated by filing his withdrawal in writing with the clerk in his office before 5 o'clock in the afternoon of the day following nomination day and in default he shall be deemed to be nominated for the office for which he was first nominated and to have withdrawn his nomination for any other office. ^{Where nominated in more than one office}

ACCLAMATIONS

38.—(1) If no more candidates are nominated for any office than the number to be elected, the clerk shall forthwith after the close of nominations declare that candidate or those candidates duly elected. ^{Acclamation}

(2) If more candidates are nominated for an office than the number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk shall forthwith declare the remaining candidate or candidates to be duly elected. ^{Idem}

(3) If the number of candidates declared to be elected to an office under subsection 1 or 2 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy. ^{Vacancy}

(4) Where in any election the total number of members of the council of a municipality or of a local board, as the case may be, declared elected under this section and those elected as a result of the poll in the election is less than a quorum of the council or of the local board, the council or local board in office for the preceding year shall continue in office until a new election under subsection 3 is held and the number of members of the council or local board equals or exceeds the quorum. ^{Where quorum not elected}

NOTICE OF POLL

39.—(1) Where more candidates are nominated for election to an office than the number required to fill that office, the clerk shall hold a poll to elect the holder of that office. ^{Poll required}

Notice
of poll

(2) Notice of the time for the holding of the poll in an election, including the advance poll, shall be given by the clerk forthwith after it has been determined that a poll is required, by publishing in a newspaper having general circulation in the municipality and where there is no such newspaper, the notice shall be published in such manner as the clerk may direct, and shall be posted in at least two conspicuous places in the municipality.

VOTING BY BALLOT

Voting
by ballot

40.—(1) Where a poll is held in an election, the votes shall be given by ballot in prescribed form.

Voting
machines

(2) In place of using ballot papers under this Act, with approval of the Minister, the council of a municipality may by by-law authorize the use at an election of voting machines for one or more polling subdivisions.

PREPARATION AND FORM OF BALLOT

Ballots

41.—(1) A clerk who is required to hold a poll for an election to an office shall prepare and cause to be printed a sufficient number of ballots for use in the election containing the names of the candidates for election to the office.

Nomination
of candidate
must be
certified

(2) The name of a person shall not be included in a ballot as a candidate for office unless his nomination as a candidate for such office has been certified by the clerk under section 34.

Order of
names

(3) The names of the candidates shall be shown on a ballot in order of their surnames alphabetically arranged, with given names preceding the surnames, and with the surnames in bold type and the occupation of the candidate shall be stated.

Where
addresses
to be shown

(4) Where there are two or more candidates for election to an office whose given and surnames and occupations are identical or so nearly identical as to create the possibility of confusion, the address of all candidates for election to such office shall be shown on the face of the ballot for such office immediately under their names and in sufficient detail as to identify each candidate.

Nicknames
and titles

(5) Except as provided in subsection 4, no identification such as a title, honour, decoration or degree shall be included with any candidate's name on a ballot to be used in an election, but a name commonly called a nickname or other name by which a candidate is commonly known may be used on the ballot as the name or part of the name of the candidate.

(6) A white circular space shall appear on the ballot to the right of each candidate's name. Space for indicating vote

(7) All ballots for election to the same office shall be of the same description and as nearly alike as possible and the names and occupations, and the addresses if given, of the candidates shall be in one colour and the remainder of the face of the ballot shall be another colour, but different colours may be used for ballots to be used for election to different offices. Ballots for same office to be alike

(8) A ballot may contain instructions as to the number of candidates for which a voter may vote in the following words: "You are entitled to vote for . . . candidates for this office". Number for which vote may be given

42.—(1) For an election in a city or town in which the members of council are elected by wards, there shall be prepared one set of ballots for all the polling subdivisions containing the names of the candidates for the office of mayor, another set for all the polling subdivisions containing the names of the candidates for the office of reeve, or reeve and deputy reeve, and another set for each ward containing the names of the candidates for the office of alderman or councillor for the ward. Wards in city or town

(2) For an election in a city or town in which the members of council are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballots containing the names of the candidates for the offices of mayor, or mayor and reeve, or mayor, reeve and deputy reeve, and another set containing the names of the candidates for the office of alderman or councillor. General vote in city or town

(3) For an election in a township that constitutes a borough within The Municipality of Metropolitan Toronto, one set of ballots shall be prepared for all the polling subdivisions containing the names of the candidates for the office of mayor, another set of ballots for all the polling subdivisions containing the names of the candidates for the office of controller and another set for each ward containing the names of the candidates for the office of alderman. Borough in Metro. Toronto

(4) For an election in a village or township there shall be prepared one set of ballots containing the names of the candidates for the office of reeve or of reeve and deputy reeve, and for the office of councillor. Village or township

(5) The council of a town may by by-law provide that the ballots for an election to the offices of mayor, reeve and By-law providing for separate sets

deputy reeve shall be prepared in separate sets and, the council of a village or township may, by by-law provide that the ballots for an election to the offices of reeve, deputy reeve and councillor shall be in separate sets.

When to be passed

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the election year than the first day of November and remains in force until repealed, and while in force the prescribed ballots shall be prepared accordingly.

Separate sets for controller, local board, by-laws, etc.

(7) There shall also be separate sets of ballots,

(a) containing the names of the candidates for the office of,

i. controller, or

ii. member of a local board ;

(b) for obtaining the assent of the electors on any by-law or the opinion of the electors on any question required or authorized to be submitted to them at an election.

More than one by-law, etc.

(8) Where more than one by-law or question is to be submitted to the electors at one election, all of such by-laws or questions may be placed on one ballot paper.

Composite ballots

43.—(1) In place of using separate ballots under this Act, the council of a municipality may, by by-law passed and approved by the Minister prior to the first day of November in an election year, authorize the use at a municipal election of composite ballots in such form subject to subsections 1 to 8 of section 41, as the by-law prescribes.

Contents

(2) A composite ballot may contain,

(a) the names of candidates for the offices of member of council, member of a school board, member of a public utility commission or member of any other board, commission or body the members of which are required to be elected by the electors of the municipality or for any one or more of such offices ; and

(b) any by-law or question authorized or required by law to be submitted to the electors for their assent or opinion.

Not to be given to elector not entitled to vote for office on ballot

(3) No elector shall be given a composite ballot containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

(4) A by-law passed under this section remains in force from ^{By-law in} year to year until repealed ^{force until} repealed.

POLLING PLACES

44.—(1) Subject to section 45, the clerk shall provide for ^{Polling} each election at least one polling place ^{place} for each polling subdivision in a place that is most central or most convenient for the electors and is furnished with light and heat and such other accommodation and furniture as may be required, but the polling place may be provided outside the limits of the polling subdivision.

(2) Every polling place shall be furnished with compartments ^{Compartment} in which voters may mark their ballots without other persons ^{ments} being able to see how they are marked and it is the duty of the clerk and the deputy returning officer respectively to ensure that a sufficient number of compartments is provided at each polling place.

(3) The clerk may unite two or more adjoining polling ^{United} subdivisions and provide one polling place for the united ^{subdivisions} subdivisions.

(4) The clerk may provide such additional polling places ^{Additional} in any polling subdivisions as are required having regard to the extent ^{places} of the subdivision, the remoteness of any number of its voters from the polling place and number of voters that may conveniently vote at one polling place.

(5) Where there are two or more polling places in a polling ^{Designation} subdivision, each polling place shall be designated by the ^{of places} initial letters of the surname of the electors who are to vote in such polling place, in the following manner, thus, from A to M inclusive and from N to Z inclusive, or as may be determined by the clerk.

(6) Every elector, the initial letter of whose surname is ^{Electors to} included within the letters of the alphabet designating a ^{vote in} polling place, shall vote in the polling place so designated ^{places} designated.

(7) In local municipalities having more than 5,000 electors, ^{Notice of} the clerk shall cause to be delivered to each dwelling unit in the ^{location of} municipality a prescribed notice advising the elector or ^{polling} electors therein of the location of the polling place in which ^{place} that elector or those electors is or are to vote.

45.—(1) Where in a municipality there is situate a hospital ^{Polling} or other institution for the reception, treatment or vocational ^{places in} institutions.

training of persons who have served or are serving in the Canadian Forces or the armed forces of any member of the Commonwealth, or who are blind or deaf, a Workmen's Compensation hospital, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside, a polling place shall be provided in such institution or upon the premises, and for the purpose of polling, the institution shall be deemed to be a polling place, and every person resident in the institution who is entered on the polling list shall vote at such polling place.

Attendance
upon patients
to take
vote

(2) Where a patient of such a hospital or other institution is bed-ridden or is unable to walk, it is lawful for the deputy returning officer and poll clerk with the candidates or their scrutineers to attend upon such person for the purpose of receiving his ballot, but no candidate or scrutineer shall be present where the ballot of any such voter is marked under section 60.

Closing of
poll

(3) When every person whose name is entered on the polling list for a polling place governed by this section has voted, the deputy returning officer for the polling place may close the poll at such polling place, but the vote cast at such polling place shall not be counted until after the close of the regular polling places.

SUPPLIES AND EQUIPMENT FOR POLLING PLACES

Supplies for
polling place

46.—(1) At least two days before polling day, the clerk shall cause to be delivered to every deputy returning officer in his municipality,

- (a) a ballot box for his polling place;
- (b) a sufficient number of ballots to supply the electors on the polling list of his polling place, locked and sealed in the ballot box or in some other locked and sealed box;
- (c) a sufficient number of the prescribed directions for the guidance of voters for the purposes of the polling place;
- (d) the polling list and a blank poll book for the polling place;
- (e) all materials necessary for electors to mark their ballots; and
- (f) such other materials as are prescribed.

(2) A ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballots can be deposited therein and cannot be withdrawn without unlocking the box. Ballot box

(3) When delivering the ballots for a polling place to a deputy returning officer the clerk shall certify the number of ballots so delivered and upon receiving them the deputy returning officer shall make a count of the ballots and forward the prescribed receipt therefor to the clerk, and shall keep the certificate for return to the clerk with the other documents required to be returned to him under section 75. Clerk to certify number of ballots

(4) Every deputy returning officer before opening the poll, or immediately after he has received the printed directions from the clerk if they were not received before opening the poll, shall cause them to be placarded outside the polling place and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. Directions to be placarded

WHERE AND HOW OFTEN ELECTORS MAY VOTE

47. An elector whose name appears on the polling list for a polling subdivision or who presents a certificate to vote there under section 31 or 48 is entitled to vote in an election in such subdivision in accordance with the following rules: Number of votes that may be given by an elector

1. Where the election is to an office to be filled by a general vote of the electors in a municipality or part thereof in which the polling subdivision is located, an elector is entitled to as many votes for the candidates for the office as there are vacancies in such office, but may not give more than one vote to any one candidate.
2. Where the election is to the office of alderman or councillor in a municipality divided into wards, an elector is entitled to vote for as many candidates as there are vacancies in such office for the ward in which the polling subdivision is located, but may not give more than one vote to any one candidate.
3. Where the election is to the office of member of a school board to be elected by public school electors in a municipality or a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a public school elector is entitled to as many votes as there are members to be elected by the public school electors in such municipality or part,

or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

4. Where the election is to the office of member of a school board to be elected by separate school supporters in a municipality or in a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a separate school supporter is entitled to as many votes as there are members to be elected by the separate school supporters in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.
5. An elector who is entitled to vote in respect of any by-law or question authorized or required by law to be submitted for the assent or opinion of the electors is entitled to vote once only with respect to such by-law or question.

Voting of
D.R.O. and
poll clerk
where
employed

48.—(1) Subject to subsection 2, at the request of a person whose name is entered on the polling list for a polling place in a municipality who has been appointed a deputy returning officer or poll clerk at another polling place, the clerk of the municipality shall give him a prescribed certificate that he is entitled to vote at the polling place at which he is stationed during the polling day.

Where
municipality,
divided into
wards

(2) No certificate shall be issued under this section entitling an elector in a municipality that is divided into wards to vote at a polling subdivision in a ward different from the ward in which the polling place at which the elector is otherwise entitled to vote is situated.

When
certificate
may be
given

(3) The clerk shall not give a certificate under this section until he has ascertained by reference to the polling list or to a certificate under section 31 that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling place at which the applicant is by the polling list or certificate under section 31 to be entitled to vote, and the person to whom the certificate has been given is not thereafter entitled to vote at such polling place.

Certificate

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

List of
certificates

(5) The clerk shall keep a list in which he shall enter before he delivers a certificate under this section,

- (a) the name and residence of the person to whom he gives the certificate;
- (b) the polling place at which the person is authorized to vote under the certificate;
- (c) the polling place at which the person appears by the polling list to be entitled to vote;
- (d) whether the certificate is granted to such person as deputy returning officer or poll clerk; and
- (e) if a certificate is refused, the name of the person applying for the certificate with the grounds of refusal,

and the list shall be open to inspection by any candidate scrutineer or elector.

49.—(1) A person who produces a certificate given to him under section 48 is entitled to vote at the polling place designated therein, but the certificate does not entitle him to vote there unless he has been actually engaged there as a deputy returning officer or poll clerk during polling day. Certificate entitles person to vote

(2) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book opposite the name and residence of the person voting under the authority of a certificate, the words "Voted under Certificate". Entry in poll book

(3) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot. Certificate to be given to D.R.O.

(4) The deputy returning officer shall enclose all certificates to which this section applies in one envelope. To be kept in envelope

PROCEDURE AT POLL

50. Every polling place shall be open for the purpose of taking the poll at every election from 8 o'clock in the forenoon until 7 o'clock in the afternoon of polling day. Hours poll to be open

51.—(1) A deputy returning officer shall attend at the polling place for which he was appointed at least fifteen minutes before the hour fixed for opening the poll. When D.R.O. to attend poll

(2) During the period of fifteen minutes before the opening of the poll, the scrutineers who are entitled to be present in a polling place during polling hours are entitled to have the ballots counted of ballots before opening of poll.

intended for use thereat counted in their presence and to inspect the ballots and all other papers, forms and documents relating to the poll.

Inspection,
sealing of
ballot box

52. A deputy returning officer shall, immediately before opening the poll at his polling place, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 68.

Duties of
D.R.O. on
tender of
vote

53.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows:

1. He shall ascertain that the name of such person or a name apparently intended for it is entered on the polling list for the polling subdivision or that such person is entitled to vote under a certificate issued by the clerk pursuant to section 31 or 48.
2. He shall record or cause to be recorded by the poll clerk, in the proper columns of the poll book, the name and residence of such person.
3. If the deputy returning officer is satisfied that such person is the person designated in the polling list or in a certificate mentioned in clause *a* and is otherwise entitled to vote and if no candidate or scrutineer objects to voting by such person, the deputy returning officer shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it and shall deliver the ballot paper to such person.
4. If voting by such person is objected to by any candidate or scrutineer, the deputy returning officer shall enter the objection or cause it to be entered in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*" and the name of the candidate by or on whose behalf the objection was made and the deputy returning officer shall require such person to take the prescribed oath.
5. If the deputy returning officer is not satisfied that such person is the person designated in the polling

list or in a certificate mentioned in clause *a* and is otherwise entitled to vote, although no candidate or scrutineer has objected, he may require such person to take the prescribed oath.

6. If such a person having been required to take the oath refuses to do so, the deputy returning officer shall enter or cause it to be entered opposite the name of such person in the proper column of the poll book the words "*Refused to be sworn*" or "*Refused to affirm*" according to the fact and a ballot paper shall not be delivered to such person.
7. If such person takes the oath, the deputy returning officer shall enter or cause to be entered opposite such person's name in the proper column of the poll book the word "*Sworn*" or "*Affirmed*" according to the fact, shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it, and shall deliver the ballot paper to such person.
8. The deputy returning officer may, and upon request shall, either personally or through the poll clerk, explain to the elector as concisely as possible the mode of voting.

(2) A person who on polling day is a prisoner in a penal or reform institution, or a patient in a mental hospital, or who has been transferred from a mental hospital to a home for special care as mentally incompetent is disqualified from voting at any election and no ballot shall be furnished to such a person.

54.—(1) Where an elector entitled to vote at a polling place applies for a ballot paper and it appears that another person has voted as such elector or that an entry has been made on the polling list in error that such elector has polled his vote, if such person takes an oath in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer he is entitled to receive a ballot paper.

(2) The deputy returning officer shall enter or cause to be entered on the poll book opposite the name of the elector who votes under this section a note of his having voted on a second ballot or of an entry having been made in the polling list in error that he has polled his vote, as the case may be.

55.—(1) An elector who is required to take the oath is entitled to select any one of the prescribed forms of oaths,

whatever may be the description in the polling list of the qualification or the character in which he is entered upon it.

Inquiry

(2) No inquiry shall be made of an elector who is required to take the oath except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the polling list.

Procedure
on receipt
of ballot

56. Upon delivery to him of a ballot paper by a deputy returning officer, the person receiving it shall,

- (a) forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper with a cross or other mark with a pen or pencil within the circle following the name of a candidate for whom he intends to vote;
- (b) then fold the ballot paper so as to conceal the names of the candidates and the marks upon the face of it and so as to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer.

Duty of
D.R.O. on
receipt of
ballot

57.—(1) Upon delivery of a ballot paper to him by an elector, the deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates or the marks made by the elector, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place, and the elector shall forthwith leave the polling place.

Person
deemed
to have
voted

(2) A person whose ballot has been placed in the ballot box by the deputy returning officer shall be deemed to have voted.

Entry in
poll book

(3) The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for candidates for the office named in that column.

Person not
to take
ballot
from polling
place

58.—(1) A person who has received a ballot from a deputy returning officer shall not take it out of the polling place, and a person who receives a ballot and leaves the polling place

without returning it to the deputy returning officer, or returns his ballot declining to vote, forfeits his right to vote, and the deputy returning officer, shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot but took it out of the polling place, or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot and preserve it to be returned to the clerk.

(2) An elector who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first-mentioned ballot and preserve it to be returned to the clerk.

Ballot
accidentally
spoiled

59. Subject to section 60, while an elector is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see how the elector marks his ballot paper.

No other
person in
compartment
while elector
marking
ballot

60.—(1) On the application of any elector who is unable to read or is incapacitated by blindness or other physical cause from voting in accordance with the other provisions of this Act, the deputy returning officer shall require the elector making the application to take an oath of his incapacity to vote without assistance, and shall thereafter assist the elector by marking his ballot in the manner directed by the elector in the presence of the poll clerk and of no other person and place the ballot in the ballot box.

Voter
incapacitated
by blindness,
etc.

(2) The deputy returning officer shall either deal with a blind elector in the manner provided in subsection 1 or, at the request of any blind elector who has taken the prescribed oath and is accompanied by a friend, shall permit the friend to accompany the blind elector into the voting compartment and mark the elector's ballot for him.

Blind voter's
ballot
marked by
friend

(3) Any friend who is permitted to mark the ballot of a blind elector under subsection 2 shall first be required to take the prescribed oath that he will keep secret the manner in which the blind elector voted.

Oath of
friend

(4) No person shall be allowed to act as the friend of more than one blind elector at any polling place other than a polling place established under section 45.

May act
as friend
only
once

Entry in
poll book

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the elector's name the reason why the ballot was marked by him or by a friend of the elector.

Voter who
cannot
understand
English

61. Where an elector does not understand the English language, an interpreter provided by the elector may be sworn in the prescribed form to translate the necessary oaths as well as any lawful questions necessarily put to the elector and his answers, but in the event of inability to secure an interpreter, the elector shall be refused a ballot.

Who may
remain in
polling
place

62. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate or, in his absence, his scrutineer, any scrutineer appointed by the council in relation to any by-law or question, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes.

ADVANCE POLLS

Advance
poll

63.—(1) The clerk shall hold an advance poll in accordance with this section on the Monday and Saturday, seven days and two days respectively, before polling day for the purpose of receiving votes of electors who expect to be unable to vote on polling day in the polling subdivisions for which their names appear on the polling lists or who are entitled to vote under a certificate issued by the clerk under section 42.

When poll
to be
open

(2) The advance poll shall be open from 8 o'clock in the forenoon until 7 o'clock in the afternoon on each of the two days it is held and polling shall be held so far as possible in the same manner as polling at a regular election.

Polling
places

(3) The clerk shall provide as many polling places for an advance poll as he considers necessary with at least one for each ward in a municipality that is divided into wards and shall appoint a deputy returning officer and poll clerk for each such polling place.

Declaration
of elector

(4) Every person offering himself as a voter at a polling place for an advance poll shall be required by the deputy returning officer before being allowed to vote to make the prescribed declaration, which shall be kept by the deputy returning officer with the other records of the poll.

List of
persons
voting

(5) Forthwith after the close of the advance poll on each day it is held, the deputy returning officer shall make up and deliver to the clerk a list of the names of all persons

who have voted showing in each case the number of the polling subdivision in which the elector is entered on the polling list.

(6) Upon receiving the list mentioned in subsection 5, the clerk shall, Duties of clerk on receiving list

- (a) make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each elector whose name appears on such list and whose vote has been received at an advance poll, showing that such elector has voted; or
- (b) make a certificate in the prescribed form for each polling subdivision, showing the name and address of each elector listed on the polling list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate before the opening of the poll on polling day to the deputy returning officer of the polling subdivision, and the deputy returning officer shall before opening the poll make an entry on the polling list supplied to him, opposite the name of each elector whose name appears on the certificate, showing that such elector has voted.

(7) On the regular polling day for an election, after the close of polling, the deputy returning officer shall, in the presence of such candidates for office at the election and their scrutineers as are present at the hour fixed for the closing of the poll, open the ballot boxes for the advance poll, count the votes and perform all other duties required of deputy returning officers by this Act. Opening of ballot boxes for advance poll

PROXY VOTING

64.—(1) Any person whose name is entered on the polling list for a polling subdivision and who is, Who may vote by proxy

- (a) a person other than one described in section 45 and who is certified by a legally qualified medical practitioner, by certificate filed with the clerk, to be physically incapable of attending a polling place; or
- (b) a person absent from his regular residence by reason of attending an educational institution and who is entered on the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day,

may vote by proxy in that polling subdivision.

- | | |
|--|--|
| Who may be proxy | (2) Any person who is entitled to vote by proxy pursuant to subsection 1 may appoint in writing as his voting proxy a person who is entitled to vote in the municipality in which the person voting by proxy is qualified to vote. |
| May be proxy once only | (3) A voting proxy may not act as a voting proxy for more than one person voting by proxy except where the person voting by proxy is the child, grandchild, brother, sister, husband or wife of the voting proxy, in which case a voting proxy may act for more than one such person voting by proxy. |
| Term of appointment | (4) An appointment of a person as a voting proxy is not valid unless it is made after nomination day and does not remain in force after polling day. |
| Application for certificate to vote by proxy | (5) A person who has been appointed a voting proxy may apply to the clerk not later than 5 o'clock in the afternoon of the Tuesday preceding polling day to receive a certificate to vote by proxy for the polling subdivision in which the person appointing the voting proxy is entitled to vote. |
| When certificate to be given | (6) The clerk shall take evidence on oath as to the right of the person appointing the voting proxy to vote in the polling subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the voting proxy is duly qualified and that the voting proxy is qualified to act for the person appointing him, he shall give a certificate in prescribed form across the face of the appointment of the voting proxy to that effect. |
| Not more than one proxy | (7) Not more than one voting proxy may be appointed on behalf of any person at any election. |
| Oath on voting | (8) A ballot shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the clerk thereon as provided in subsection 6 and takes the prescribed oath. |
| Record of voting proxy | (9) Where a voting proxy has voted, the deputy returning officer shall record in the poll book the fact that the person appointing the voting proxy voted by proxy and the name of the voting proxy, and shall file the appointment of the voting proxy and the certificate of his appointment given by the clerk with the election papers and return them to the clerk in the envelope provided for that purpose. |

(10) A person who has been appointed as a voting proxy is entitled to vote in his own right in the municipality notwithstanding that he has voted as a voting proxy. Proxy may vote in own right

KEEPING OF PEACE: INTERRUPTED ELECTIONS

65. A clerk or a deputy returning officer may require the assistance of constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he considers necessary. Assistance of constables

66. If by reason of riot or other emergency the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the clerk or deputy returning officer, as the case may be, shall hold or resume the polling on the following day at 8 o'clock in the forenoon and continue the same from day to day, until the poll has been opened without interruption and with free access to voters for eleven hours in all. When election not commenced or interrupted

COUNTING THE VOTES

67. Immediately after the close of the poll, the deputy returning officer at each polling place shall, Duties of D.R.O. after close of poll

- (a) place all the cancelled, declined and unused ballots in separate sealed envelopes;
- (b) count the number of electors whose names appear by the polling book to have voted and make an entry in the book on the line immediately below the name of the elector who voted last as follows:—"The number of electors who voted at this election in this polling place is (stating the number)" and sign his name thereto.

68.—(1) After compliance with section 67, the deputy returning officer shall, in the presence and in full view of the persons entitled to be present, open the ballot box for the polling place and proceed to count the numbers of votes for each candidate, giving full opportunity to those present to examine each ballot. Counting of votes

(2) In counting the votes, the deputy returning officer shall reject all ballots, Rejection of ballots

- (a) that have not been supplied by him;
- (b) that contain the names of candidates for one office only and in which votes have been cast for more candidates than are to be elected to the office;

- (c) that are separate ballots submitting a by-law for the assent or a question for the opinion of the electors, and votes are cast for both the affirmative and the negative on the by-law or question; or
- (d) upon which there is any writing or mark by which the elector can be identified, or that has been so torn, defaced or otherwise dealt with by the elector that he can thereby be identified,

but no word, letter, or mark written or made or omitted to be written or made by the deputy returning officer on a ballot voids it or warrants its rejection.

Idem

(3) Where a ballot contains the names of candidates for more than one office and votes are cast on such ballot for more candidates for any office than are to be elected to such office, such votes are void and shall be rejected, but unless such ballot is rejected under subsection 2, the votes for any other office in respect of which the elector has not voted for more candidates than are to be elected shall be counted.

Composite
ballots

(4) Where in a composite ballot,

- (a) votes are cast for more candidates for any office than are to be elected to such office; or
- (b) votes are cast for both the affirmative and negative on any by-law or question,

the votes for such candidates or with regard to the by-law or question, as the case may be, are void and shall be rejected but, unless such ballot is rejected under subsection 2, the votes for any other offices, by-law or question in respect of which votes are correctly indicated shall be counted.

Where part
of votes
rejected

(5) Where part of the votes cast in any ballot are rejected under subsection 3 or 4, the deputy returning officer shall note such fact on the back of the ballot and initial the note, and where all the votes on the ballot are rejected under either or both of such subsections, the ballot shall be treated as a rejected ballot.

Objection
by candidate,
etc.

69.—(1) A candidate or a scrutineer at a polling place may object to a ballot or to the counting of votes in any ballot in whole or in part on the ground that the ballot or such votes should be rejected under section 68 and the deputy returning officer at the polling place shall decide the objection, subject to review on a recount or in a proceeding questioning the validity of the election.

(2) The deputy returning officer shall list all objections ^{Objections to be listed} under subsection 1 to the counting of ballots or of votes therein and number such objections and shall place the number of an objection on the back of the ballot objected to and initial the number.

70. The deputy returning officer shall count all votes cast ^{How votes counted} at his polling place that are not rejected and shall keep an account of the number of votes so cast and allowed for each candidate and with respect to each by-law or question.

71. Following count of the votes at his polling place, a ^{Ballots to be placed in separate packets} deputy returning officer shall place in separate sealed packets,

- (a) all used ballots that have not been objected to and have been counted in whole or in part ;
- (b) all used ballots that have been objected to but which have been counted in whole or in part ;
- (c) all rejected ballots ;
- (d) all ballots used but unmarked.

72. The deputy returning officer shall endorse every ^{D.R.O. to endorse packets} packet of ballots made up by him under clause *a* of section 67 or section 71 so as to indicate its contents and any candidate or scrutineer present may write his name on the packet.

73. The poll clerk, immediately after the completion of the ^{Oath of poll clerk} counting of the votes, shall take and subscribe the prescribed oath.

STATEMENT AND MATERIALS RETURNED TO CLERK

74.—(1) The deputy returning officer shall make out a ^{Statement of D.R.O.} statement in duplicate of the number of,

- (a) ballots received from the clerk ;
- (b) votes given for each candidate ;
- (c) votes given for and against a by-law or question ;
- (d) used ballots that have not been objected to and have been counted ;
- (e) ballots that have been objected to in whole or in part but which have been counted ;

- (f) rejected ballots;
- (g) cancelled ballots;
- (h) ballots used but unmarked;
- (i) declined ballots;
- (j) unused ballots;
- (k) voters whose ballots have been marked by the deputy returning officer under sections 45 and 60.

Statement
attached to
poll book

(2) One statement shall be attached to the poll book and the duplicate statement shall be delivered to the clerk as provided herein.

Statement
signed by
D.R.O., etc.

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their scrutineers as are present and desire to sign it.

Certificate
re ballots
counted and
rejected

(4) The deputy returning officer shall deliver to such of the candidates or their scrutineers as are present, if requested to do so, a certificate of the number of ballots counted for each candidate, and of the rejected ballots.

What to be
placed in
ballot box

75.—(1) The deputy returning officer shall place in the ballot box the poll book, the polling list, the packets containing the ballots and all other documents or packets that served at the election, except,

- (a) the duplicate statement;
- (b) the oath of the deputy returning officer;
- (c) the oath of the poll clerk; and
- (d) the oath of the person, if any, chosen to deliver the ballot box to the clerk.

Box to be
locked, etc.

(2) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it and the documents enumerated in subsection 1 personally to the clerk.

Oath of
D.R.O.

(3) Forthwith thereafter, the deputy returning officer shall take and subscribe the prescribed oath and shall personally deliver it or transmit it by registered mail to the clerk.

Delivery of
ballot box,
etc., to
clerk

(4) If the deputy returning officer is unable personally to deliver the ballot box and documents enumerated in sub-

section 1 owing to illness or other cause, he shall deliver them to the poll clerk for delivery to the clerk, or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering them to the clerk, who shall take the prescribed oath to do so and the deputy returning officer shall thereon, or on a ticket attached thereto, write the name of the person to whom the box was delivered and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver them to the clerk and shall take before him the prescribed oath.

(5) The candidates, or their scrutineers, are entitled to be present when the ballot box and documents for a polling place are delivered to the clerk pursuant to this section. Right of candidate, etc., to be present

(6) A deputy returning officer, after the close of the poll, shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any house or place except the office of the clerk. D.R.O. not to take box to home, etc.

76.—(1) The clerk, after he has received the ballot boxes and other documents referred to in section 75, shall, without opening any of the ballot boxes, cast up from the duplicate statements showing the number of votes for each candidate and for the affirmative or negative on any by-law or question at each polling place the total number of votes for each candidate and the total number of votes for the affirmative or negative on any by-law or question. Clerk to add up votes

(2) After casting up the total number of votes cast at an election, the clerk shall, at the town hall or, if there is no town hall, at the clerk's office at noon on the Thursday following the day on which the polling is held, publicly declare to be elected the candidate or candidates having the highest number of votes, and declare the result of the vote with respect to any by-law or question and he shall also post up in some conspicuous place a statement under his hand showing the number of votes for each candidate and for the affirmative or negative on the by-law or question. Declaration of result

(3) If for any cause, the clerk cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, or for the affirmative or negative on any by-law or question he may adjourn to a future day and hour the adding up of the votes and so on from time to time, such adjournment or adjournments not in the aggregate to exceed fourteen days. Delay in adding up votes

77.—(1) Except as provided in this section, the clerk, upon the receipt of a ballot box, and the documents referred to in Safekeeping of box and documents

section 75, shall take every precaution for their safekeeping and for preventing any other person from having access to them, and shall immediately on receipt of the ballot box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered.

Opening of
box when
documents
placed in
box in
error

(2) Where the documents specified in subsection 1 of section 75 are in error placed in the ballot box or where the duplicate statement cannot be interpreted by the clerk, he may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the meaning of the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the clerk and by the clerk.

Where D.R.O.
fails to
deliver
statement

(3) If a deputy returning officer has not delivered the statement of the ballots counted by him to the clerk as required by section 75, the clerk shall after notification to the candidates or their scrutineers, who may be present, open the appropriate ballot box for the purpose of counting the votes and shall count the votes.

Where ballot
box lost,
etc.

78. If a ballot box for any polling place has been destroyed or lost, or, for any other reason, is not forthcoming by the time fixed for adding up the votes, the clerk shall ascertain the cause and, if the statement of the votes cast and certificates, or any of them or copies of them, cannot be procured, the clerk shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the polling place and for the affirmative or negative on any by-law or question, and may summon any deputy returning officer, poll clerk, election assistant or other person to appear before him at a time and place to be named by him, and the clerk shall notify the candidates of the intended proceedings and may examine on oath such deputy returning officer, poll clerk, election assistant or other person respecting the matter in question.

Equality
of votes

79.—(1) If upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, or the votes for the affirmative and negative on a by-law or question are equal, the clerk shall publicly declare the result and post up in a conspicuous place a statement showing the number of votes for each candidate and for and against the by-law or question and shall forthwith notify a judge of the result and the judge shall thereupon appoint a time and place to recount the votes cast up for such candidates or concerning such by-law or question.

(2) In such proceedings, sections 80 to 87 apply *mutatis mutandis*. Application of ss. 80-87

RECOUNT

80.—(1) In this section and in sections 81 to 83, “judge” Interpretation means the judge of the county or district court in which the municipality or part thereof or the administrative or head office of the local board is situate.

(2) If, within fourteen days after the declaration by a clerk Where recount desirable of the result of an election, upon an application of a candidate or voter it is made to appear by affidavit to a judge that the votes have been improperly counted or any ballot paper has been improperly rejected or that an incorrect statement of the number of ballots cast for any candidate or for the affirmative or negative on any by-law or question has been made or that the votes have been improperly added up, and if within that time the applicant has given security for the costs in connection with the recount or final addition of any candidate declared elected in the amount of \$100 in legal tender, or if at any time within four weeks after such declaration the council of the municipality whose clerk was the returning officer has by resolution declared that a recount or final addition is desirable in the public interest, the judge shall appoint a time and place to recount or make a final addition of the votes cast at the election, and shall notify the clerk thereof.

(3) At least two days notice in writing of the time and place appointed shall be given by the clerk to the candidates and to the applicant, and the clerk or a person appointed by the clerk for the purpose shall attend the recount or final addition with the ballot boxes and all documents relating to the election. Notice of recount

(4) The judge, the clerk, a person appointed by the clerk, Who may be present each candidate and his scrutineer appointed to attend the recount or final addition, and such other persons as the council may appoint where the recount or final addition relates to a by-law or question, but no other person, except with the approval of the judge, is entitled to be present at the recount.

(5) Where a recount relates to the election of a candidate, What ballots involved in recount the recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected or in other cases for the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or the votes cast for him to be finally added.

Procedure
by judge

(6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge conducting a recount or final addition of the votes cast at an election shall make such final addition from the statements returned to the clerk by the deputy returning officers, or recount all the ballots received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purposes of the recount open the sealed packets containing the used ballots that were not objected to and were counted, the ballots that were objected to but which were counted, the rejected ballots, the cancelled ballots, the ballots that were used but were unmarked, the declined ballots and the unused ballots.

Rules to
govern
proceedings

(7) Subject to subsection 8, the judge shall proceed according to the provisions of this Act for the counting of the ballots and of the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Judge may
hear any
evidence
necessary for
proper
recount

(8) If for any reason it appears desirable to do so the judge, upon the application of any party to a recount, may hear such evidence as he considers necessary for the purpose of making a full and proper recount of the ballots, and, without restricting the generality of the foregoing, he may, if the recount results in any of the candidates for any office being declared to have received the same number of votes as any other candidate or candidates who were parties to the recount, hear such evidence as he considers necessary to determine who was elected to that office.

Judge to
certify
recount
to clerk

(9) Upon the completion of a recount all the ballots shall be sealed in their separate packets and upon completion of final addition, the original statements shall be sealed in their respective packets and the judge shall forthwith certify the result of the recount or final addition to the clerk.

Clerk of
court

(10) The judge may require the clerk of the county or district court to be present at the time and place appointed.

Time for
sending
certificate
to clerk

81.—(1) The judge shall delay sending his certificate under section 80 to the clerk for two days after the completion of the recount or final addition in order to allow for an appeal as provided in section 84.

If no appeal
clerk to
declare
result

(2) If no notice of appeal is given to the judge within two days after the completion of a recount or his final addition, the judge shall certify forthwith the result to the clerk who shall then declare the candidate having the greatest number of votes to be elected or certify to the council the result of the vote with respect to a by-law or question.

82. In the case of an equality of votes for candidates for any office for which one person only is to be elected, as a result of a recount or final addition, the successful candidate shall be determined by lot conducted by the clerk. Equality of votes after recount where one person to be elected

83.—(1) The costs of a recount under section 80 are in the discretion of the judge making the recount who may order by whom, to whom and in what manner the costs shall be paid. Costs of recount

(2) The judge may in his discretion award costs of a recount or final addition to or against any candidate who is a party to it and may fix the amount thereof or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court. Awarding of costs

(3) Where the judge makes no provision as to the costs of a recount or final addition, the disbursements made or authorized to be made by the clerk shall be paid by the municipality. Where no provision as to costs

(4) Where costs are directed to be paid by the applicant for a recount or final addition, the money deposited as security for costs under section 80 shall be paid out to the party entitled to such costs, so far as necessary. Payment of deposit

(5) Payment of the costs awarded under this section may be enforced by execution to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them. Enforcement of payment of costs

(6) The judge is entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him for a recount or final addition. Expenses of judge

84.—(1) Upon expiry of the time for appeal from a decision of a judge on a recount or final addition if no appeal has been taken, the judge shall cause all the ballots to be sealed in their original packets and upon completion of final addition, shall cause the original statements to be sealed in their respective packets and returned to the custody of the clerk. Where no appeal documents, etc., to be returned to clerk

(2) If an appeal is taken from the decision of a judge on a recount or final addition, the judge shall cause such of the ballots and such of the original statements as are not required for the purpose of the appeal to be sealed in their respective packets and returned to the custody of the clerk. Documents not required on appeal

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

Appeal from
decision of
judge

85.—(1) Any party may appeal from the decision of the judge who conducted a recount or final addition other than a decision on a recount or final addition of votes in relation to any by-law or question, by giving notice in writing within two days after the completion of the recount or final addition to the other parties and to the judge of his intention to appeal, and he may by the notice limit the appeal to specified ballots.

Service of
notice

(2) The notice may be served upon the other parties personally, or as a judge of the Supreme Court may direct.

Ballots, etc.,
to be for-
warded to
Registrar
of Supreme
Court

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall cause to be sealed the ballots or statements that are the subject of appeal in a separate packet and shall forward them, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited the judge shall forward all the ballots and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate under section 80 to the clerk.

Appointment
for hearing

(4) On receipt of the ballots and notice, the Registrar shall forthwith obtain an appointment from a judge of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

Procedure on
appeal

(5) At the time appointed, the judge of the Supreme Court shall recount the ballots or such of them as are the subject of appeal, or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it is to conform to the decision and to certify the result without delay to the clerk.

Costs of
appeal

(6) The judge of the Supreme Court may direct by and to whom, the costs of the appeal shall be paid.

Idem

(7) Where the judge of the Supreme Court makes no provision as to costs, the disbursements made or authorized to be made by the clerk, shall be paid by the municipality.

DISPOSITION OF ELECTION RECORDS

Disposition
of ballots

86.—(1) The clerk shall retain in his possession for ninety days from the date of the poll for an election all the ballots in the election and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of

the election, shall then destroy them in the presence of two witnesses, who shall make a statutory declaration that they witnessed the destruction of them and such declaration shall be filed in the office of the clerk.

(2) Subject to subsection 1, the clerk shall retain in his possession all oaths, nominations, qualification documents, statements of the votes cast, and other documents relating to an election until the successors to the persons elected at such election have taken office, and may then destroy them. Disposition of other documents

87.—(1) No person shall be allowed to inspect any ballot or other document relating to an election in the custody of the clerk except under the order of a judge. Inspection of ballots, etc.

(2) The order may be made on the judge being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence, or corrupt practice, or of taking proceedings for contesting the election or return. Order of judge

88. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballots so produced is evidence that the contents are what they are stated to be by the endorsement. Production of documents by clerk

NEW ELECTIONS

89.—(1) Where a new election is required under the authority of this or any other Act to fill a vacancy in any office by an election other than a regular election, the clerk of the municipality who is the returning officer with whom nominations may be filed shall set the date of the nomination day which shall be within forty-five days of the day on which the vacancy for which he is required to hold the election occurs. New election

(2) The procedure including the period for filing nominations at a new election shall be the procedure and period applicable at a regular election of the municipality and polling day shall be not less than eighteen and not more than twenty-one days after nomination day. Procedure

(3) The polling required to fill a vacancy in an office by this section shall so far as possible be held in the same manner and by the same officers and take place at the same places in so far as practicable at which the polling took place at the last regular election. Polling

List of
electors

(4) Unless a new preliminary list of electors has been furnished by the assessment commissioner, under subsection 5, the preliminary list to be used for preparation of the polling list for a new election shall be the polling list used at the last regular election, which shall be subject to revision as if it were a preliminary list of electors under section 24 and to additions pursuant to a certificate of the clerk under section 31 and the clerk may fix the times and places for the making of complaints as to revision.

Idem

R.S.O. 1970,
c. 32

(5) Where in the year following an election year, the annual enumeration under *The Assessment Act* has, prior to the holding of the new election, been completed for the municipality or municipalities in which the new election is to be held, the assessment commissioner shall, within fourteen days of a request by the clerk or clerks of such municipality or municipalities, furnish a new preliminary list of electors based on such annual enumeration and in accordance with the requirements of this Act pertaining to the preparation of such lists and such preliminary list shall for all purposes, including revision by the clerk, be the preliminary list of electors for the new election.

Eligibility
of member
to be
candidate
for other
office

(6) Where a vacancy occurs in any office and an election is to be held to fill such vacancy, a member of any other office is not eligible to be a candidate for the vacant office unless he has, before the first day of the period during which nominations for the new election may be filed, filed with the clerk a certified copy of his resignation from the office that he then holds with evidence satisfactory to the clerk that such resignation has been filed as required by legislation governing the office that he then holds.

Vacancy
after
March 31st
of election
year

(7) Notwithstanding anything in this or any other general or special Act, a new election shall not be held to fill a vacancy where the vacancy occurs after the 31st day of March of an election year.

Council may
meet not-
withstanding
vacancy

90. Notwithstanding that a new election becomes necessary, meetings of the council may be held if a quorum of the council is present.

EFFECT OF IRREGULARITIES

Irregularities
not to offset
result

91. No election shall be declared invalid,

- (a) by reason of any irregularity on the part of the clerk or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;

- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes or as to limitations of time; or
- (d) by reason of any mistake in the use of the prescribed forms,

if it appears to the court having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

OFFENCES, PENALTIES AND ENFORCEMENT

92. Every person who, at an election,

Voting when
not qualified,
etc.

- (a) not being qualified to vote, votes; or
- (b) being qualified to vote, votes more times than he is authorized to vote by this Act; or
- (c) votes in a polling subdivision other than one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

93. Every person who,

Improper
voting by
proxy

- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
- (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the elector who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

94. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Wilful
miscount
of ballots

Neglect of
duties

95. Every clerk, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offences
relating to
ballot
papers

96. Every person who,

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;
- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper that is not a ballot, purports to be or is capable of being used as a ballot at an election; or
- (g) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

False
information
to authorized
persons

97. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Offences of
inducing un-
qualified
person to vote
or publishes
false state-
ment of with-
drawal of
candidate

98. Every person who,

- (a) induces or procures any person to vote knowing that that person has no right to vote; or
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

99. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. General offence

100.—(1) Where a candidate at an election is convicted of committing a corrupt practice, he is ineligible to be nominated and stand as a candidate at any election up to and including the next regular election, or to hold any office at the nomination of a municipal council or local board for four years following the date of the poll. Disqualification of persons guilty of corrupt practice

(2) If, when the candidate is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate is not subject to the penalties and disabilities provided by subsection 1. Limitation

CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

101.—(1) The validity of an election or of the election of any person to any office at such an election or whether or not any person is guilty of a corrupt practice respecting an election shall be tried and determined by an action commenced by issuing a writ in the county or district court for the county or district in which the municipality or the administrative or head office of the local board is situated. Validity of election, etc., determined by action

(2) Where the county or district court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under sections 92 to 100. Penalties for corrupt practice

(3) A candidate at an election or any elector entitled to vote at an election referred to in subsection 1, may commence an action under this section in relation to such election. Who may commence action

(4) No action shall be commenced after the expiration of ninety days following the date of the poll at the election referred to in subsection 1. Time for commencing action

102.—(1) Where not otherwise provided in this Act and subject to the rules of court, the practice and procedure of the county or district court apply to an action commenced under this Act. Practice and procedure

(2) The action shall be tried by a judge without a jury. Judge without jury

103.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff to be applied Security for costs

towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the clerk incurred in the publication of notices in the municipality in respect of the writ of the action or proceedings therein.

Idem

(2) The security shall be in the amount of \$400 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

Abatement
of action

104.—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

Liability
for costs

(2) The abatement of an action does not affect any liability for costs previously incurred.

Substitution
of plaintiff

(3) On the abatement of an action any person who might have been a plaintiff may apply to a judge of the court or, during the trial, to the trial judge to be substituted as the plaintiff.

Substitution
for
unqualified
person

105. Where a plaintiff is not qualified to be a plaintiff in an action under this Act, the action shall not on that account be dismissed if within such time as a judge of the court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.

Successful
candidate
guilty of
corrupt
practice

106.—(1) Where it is determined that a successful candidate is guilty of a corrupt practice, the court may declare his election void and his office shall thereupon become vacant.

Unseating
and seating
of another
elected
candidate

(2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person would have been elected but for the corrupt practice that he be admitted to take his seat in the council or board or, if it is determined that no other person is elected, a new election shall be held.

Where
commission
of corrupt
practice
affected
result of
election

(3) Where it is determined that any person is guilty of a corrupt practice and that the commission of the corrupt practice affected the result of the election, the court may declare the election void and a new election shall be held.

Where act of
election
official
affected
result of
election

(4) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and a new election shall be held.

Compensation
of candidates
where
election void

(5) Where a new election is to be held, the court may make such order as it considers just, against any person who is found guilty of an offence or a corrupt practice under this Act, for

the compensation of candidates at the void election, not exceeding \$2,000 per candidate.

(6) The clerk of the court shall forward a copy of the judgment and the reasons for judgment to the clerk of the municipality. Judgment to clerk

107. If the court determines that a member was not duly elected, notwithstanding that an appeal from the decision is pending, he is not entitled to sit or vote on the council or board until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat and to sit and vote until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board. Where election set aside and appeal entered

108. A new election shall not be held until after the expiration of the time limited for appeal from the determination of the court that the election is void and, if an appeal is brought, the election shall not be held pending the appeal. New election not to be held pending appeal

109.—(1) An appeal lies from the judgment of the county or district court to the Divisional Court in accordance with the rules of court. Appeal to Divisional Court

(2) The Divisional Court may give any judgment that ought to have been pronounced or may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Divisional Court, the case shall thereafter be proceeded with as if there had been no appeal. Judgment or new trial

(3) An appeal lies from the decision of the trial judge to whom the case was remitted by the Divisional Court in accordance with the provisions of this section. Appeal from decision on new trial

110. Any person elected may, at any time after the election and before it is complained of, deliver to the clerk of the municipality a disclaimer, signed by him, to the following effect: Disclaimer before complaint

“I, A.B., hereby disclaim all right to the office of
for the.....of
in the county (or district) of
and all defence of any right I may

have to the same. Dated.....day of
, 19.... A.B.”

Disclaimer
after
complaint

111. A person whose election is complained of, unless it is complained of on the ground of a corrupt practice on his part, may, within one week after service on him of the notice of motion, transmit by registered mail, or deliver to the judge of the court, and to the applicant or his solicitor, a disclaimer signed by him to the following effect:

“I, A.B., upon whom a notice of motion, authorized by *The Municipal Elections Act, 1972*, has been served for the purpose of contesting my right to the
 office of....., in the county (or district)

of....., hereby disclaim the office, and
 all defence of any right I may have to the same.

Dated.....day of....., 19....
 A.B.”

Duplicate
of disclaimer
to clerk

112.—(1) A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council.

Operates as
resignation

(2) A disclaimer in accordance with section 110 or 111 operates as a resignation.

Relief from
costs

(3) A disclaimer in accordance with section 111 relieves the person making it from all liability for costs.

Regulations

113. The Minister may make regulations,

- (a) prescribing forms for the purposes of this Act; and
- (b) prescribing rules for the use of voting machines.

R.S.O. 1970,
cc. 288, 485,
repealed

114. *The Municipal Franchise Extension Act* and *The Voters' Lists Act* are repealed.

Commence-
ment

115. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

116. This Act may be cited as *The Municipal Elections Act, 1972*.

BILL 77

An Act respecting
Municipal Elections

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

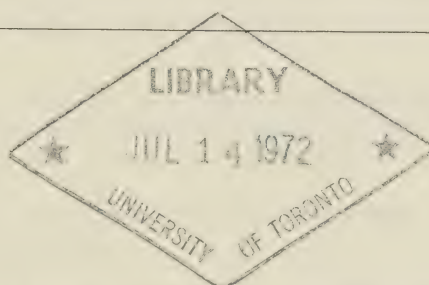
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 III

An Act respecting Municipal Elections

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Administration of Justice Committee)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act respecting Municipal Elections

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation


1. "advance poll" means a poll held under section 64;
2. "assessment commissioner" in relation to a municipality means the assessment commissioner appointed under *The Assessment Act* for the assessment region in which the municipality is situate; R.S.O. 1970,
c. 32
3. "assistant returning officer" means a person appointed by the clerk to assist him in the conduct of the election;
4. "assistant revising officer" means a person appointed by the clerk to assist him in the revision of the list of electors;
5. "candidate" means a person who is nominated for election to office in accordance with this Act and whose nomination is certified by the clerk;
6. "clerk" with respect to a municipality means the clerk of the municipality;
7. "constable" means a constable or a person appointed as a constable by the clerk or the deputy returning officer to maintain peace and order at an election;
8. "corrupt practice" means any act or omission in connection with an election in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act; R.S.C. 1970,
c. C-34
9. "deputy returning officer" means a deputy returning officer appointed for a polling place under this Act.

10. "election" means an election governed by this Act;
11. "election assistant" means a person appointed by the clerk to assist in the conduct of an election;
12. "election year" means a year in which a regular election is held in accordance with the provisions of this Act;
13. "elector" means a person entitled under this Act to vote in an election;
14. "enumerated" means enumerated under *The Assessment Act*;
15. "local board" means a local board as defined in *The Municipal Affairs Act*;
16. "locality" means territory without municipal organization that is deemed a district municipality under *The Secondary Schools and Boards of Education Act* and *The Separate Schools Act*.
17. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
18. "municipality" means a city, town, village or township;
19. "new election" means an election other than a regular election;
20. "nomination day" means the last day for filing nominations;
21. "oath" includes an affirmation;
22. "office" means an office, the election to which is governed by this Act;
23. "owner or tenant" means a person enumerated as owner or tenant of land separately assessed or liable to be separately assessed under *The Assessment Act*;
24. "polling day" means the day on which the poll is to be taken under this Act;
25. "polling list" means the list of electors for each polling subdivision revised and certified by the clerk;

R.S.O. 1970,
c. 118

R.S.O. 1970,
cc. 425, 430

R.S.O. 1970,
c. 32

26. "polling subdivision" means a polling subdivision established by the clerk under this Act;
27. "preliminary list" means a preliminary list of electors;
28. "prescribed" means prescribed by the Minister;
29. "public school elector" means an elector who is not a separate school elector;
30. "quorum" means a majority of the members of council or of a local board or the trustees of a police village, as the case may be;
31. "regular election" means an election required to be held biennially under section 10 of this Act;
32. "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:
 - (a) The place where a person's family resides shall be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
 - (b) The place where a person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place, shall be deemed to be his residence;
33. "scrutineer" means any person appointed as a scrutineer by a candidate under section 6 or by a council under section 7;
34. "separate school elector" means an elector who is a Roman Catholic separate school supporter or who is a Roman Catholic and the wife or husband of such supporter and any person entitled to be a separate school elector under *The Separate Schools Act*.  R.S.O. 1970, c. 430

APPLICATION OF ACT

2.—(1) Notwithstanding any other general or special Act, ^{Application of Act} but subject to subsection 2, this Act applies to and governs all elections,

(a) to the offices of,

- (i) member of the council of a municipality,
- (ii) member of the council of a regional municipality where such office is required to be filled by a vote of the electors of an area municipality,
- (iii) trustee of a police village,
- (iv) member of a local board whose members are to be elected at elections required by law to be conducted by the same officers and in the same manner as elections of members of the council of a municipality;

(b) to obtain the assent of electors on any by-law required or authorized by law to be submitted for their assent at an election; and

(c) to obtain the opinion of the electors on any question required or authorized by law to be submitted to the electors at an election except a question under *The Liquor Licence Act.*

R.S.O. 1970,
c. 250

Application
to newly
created
regional
municipalities

(2) This Act does not apply to the first elections of the members of the council of a regional municipality or an area municipality therein or of the local boards thereof where the Act creating the regional municipality otherwise provides.

ELECTION OFFICIALS

Returning
and
revising
officer

3.—(1) Subject to subsections 2 and 3, the clerk of a municipality is the returning officer and revising officer for the purpose of the conduct of elections within the municipality or a part thereof.

Returning
officer in
police
village

(2) For the purpose of elections of trustees of a police village, the clerk of the municipality in which the police village is located shall be the returning officer for the election and where the police village is located in two or more municipalities,

(a) the nominations for trustees shall be filed with the clerk of the municipality having the largest number of electors of the police village who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates; and

- (b) the clerk of each other municipality in which part of the police village is located shall be the returning officer for the vote to be recorded in his municipality and he shall forthwith report the vote recorded to the returning officer referred to in clause *a* who shall prepare the final summary and announce the vote.

(3) The clerks of municipalities to which subsections 21, 25 and 27 of section 38 of *The Secondary Schools and Boards of Education Act* and subsections 19 and 21 of section 90 of *The Separate Schools Act* apply shall perform the duties as returning officers for the purposes of an election under this Act as are specified in those provisions. Clerks, duties in relation to school boards
R.S.O. 1970, cc.425, 430

4.—(1) The clerk of every municipality shall for the purposes of an election appoint a deputy returning officer and a poll clerk for each polling place established in the municipality and, as far as is practicable, the deputy returning officers and poll clerks shall be appointed for polling places for the polling subdivisions in which they reside. D.R.O. and poll clerk

(2) If a deputy returning officer or poll clerk signifies to the clerk that he will not act, the clerk shall appoint another person to act in his place. Where unable to act

(3) If a deputy returning officer or poll clerk does not attend at the opening of the poll, the clerk shall appoint another person to act in his place. Non-attendance of D.R.O., poll clerk

(4) If a deputy returning officer through illness or for any other reason becomes unable to perform his duties on polling day, the poll clerk shall perform his duties and exercise all his powers unless the clerk appoints some other person as deputy returning officer for the polling place. Poll clerk to act for D.R.O.

(5) The clerk may appoint election assistants, assistant returning officers, and assistant revising officers to assist him in the performance of his duties and provide for such clerical and other assistance as is necessary for such purpose. Assistants

(6) The poll clerk and an election assistant, if any, shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders. Duties of poll clerk

(7) Every deputy returning officer, poll clerk, election assistant, assistant returning officer, assistant revising officer, scrutineer, constable and other person authorized to attend at a polling place shall, before entering upon his duties, take and subscribe an oath in the prescribed form. Oath

Oath of D.R.O.	(8) The appointment and oath of the deputy returning officer under subsection 7 shall be endorsed upon or attached to the poll book for the polling place for which he is appointed.
Who may administer oaths	5.—(1) Except where otherwise provided, an oath may be administered by any person authorized by law to administer oaths in the Province of Ontario.
Idem	(2) The clerk may administer any oath required by this Act, and deputy returning officers and poll clerks may administer any such oath except an oath to be taken by the clerk.
No charge	(3) Every person administering an oath under or for the purposes of this Act shall administer the oath gratuitously.
Scrutineers appointed by candidate	6.—(1) Each candidate may appoint such number of persons who are at least sixteen years of age as he considers advisable as scrutineers to represent him in a polling place and at the counting of votes under this Act.
Limit on number present	(2) Not more than one scrutineer representing each candidate may be present for any of the purposes specified in subsection 1 at any time.
Scrutineers appointed by council	7.—(1) The council of a municipality may, if requested to do so, by resolution appoint as scrutineers in relation to voting on any by-law or question submitted to the electors at an election two persons to attend at the final summing up of the votes by the clerk and two persons to attend at each polling place, one such person in each case on behalf of the persons interested in and desirous of promoting the proposed by-law or voting in the affirmative on the question and the other such person on behalf of the persons interested in and desirous of opposing the proposed by-law or voting in the negative on the question.
Production of appointment	(2) A person appointed as a scrutineer under this section before being admitted to a polling place shall, if so requested, produce and show his appointment to the deputy returning officer for the polling place.

COSTS OF ELECTION

Cost of election	8.—(1) Except where otherwise specifically provided by this or any other special or general Act, the cost of an election shall be borne by the municipality in which it is held.
Expenses of officers	(2) The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot paper, and balloting compart-

ments, and for the transmission of packets, and reasonable fees and for allowances for services rendered under this Act or otherwise on account of an election shall be paid by the treasurer of the municipality to the persons entitled thereto.

(3) Where the clerk of a municipality is required to conduct an election of members of a local board other than at a regular election, the board shall forthwith after its organization reimburse the treasurer of the municipality for the cost of employing deputy returning officers, poll clerks and other election officials and for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places for nomination and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable costs including the cost of printing and distribution of but not preparation otherwise of the polling list. Expenses of by-election of local board

TERM OF OFFICE

9.—(1) Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be two years, commencing on the first day of January in the year following an election year. Two-year term

(2) The holders of offices hold office until their successors are elected and the newly elected council or local board is organized. Until new council organized

BIENNIAL ELECTIONS

10.—(1) Subject to subsections 2 and 3, an election shall be held in accordance with this Act in each municipality in the year 1972 and in every second year thereafter for the purpose of electing persons to offices. Election year

(2) Where the term of office of a member of a council or of a local board terminates at the end of the year 1973, no election shall be held under this Act for that office in the year 1972, but an election for such office shall be held in accordance with this Act on the first Monday in December, 1973, and the persons elected at such election shall be elected for the year 1974 only. Where present term terminates in 1973

(3) Where the term of office of a member of a council or of a local board elected before the coming into force of this Act terminates at the end of the year 1974, no election shall be held for that office in the year 1972. where present term terminates in 1974

Vote on
question,
etc.

(4) Where a by-law requires the assent or a question is authorized or required to be submitted to obtain the opinion of the electors, the vote thereon shall be taken at the next regular election unless otherwise provided by order of the Ontario Municipal Board.

POLLING DAY

Polling
day

11. Polling day in a regular election shall be the first Monday in December in each election year.

QUALIFICATION OF ELECTORS

Electors,
resident



12. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and if, at any time during the period of enumeration under section 18, he is,

- (a) resident in such municipality;
- (b) a Canadian citizen or other British subject; and
- (c) of the full age of eighteen years.

Non-
resident

13. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and is not resident in such municipality at any time during the period of enumeration under section 18 but is at any time during such period,

- (a) the owner or tenant of land in the municipality or the spouse of such an owner or tenant;
- (b) a Canadian citizen or other British subject; and
- (c) of the full age of eighteen years.



Evidence of
citizenship

14. For the purpose of sections 12 and 13, a statutory declaration by a person claiming that he is a Canadian citizen or other British subject is *prima facie* proof of the fact declared to.

QUALIFICATION OF ELECTORS TO VOTE ON MONEY BY-LAWS

Who may
vote on
money
by-laws

15. Every person entitled to be an elector in a municipality under section 12 or 13 is entitled to be an elector to vote on a money by-law submitted for the assent of the electors of the municipality if, he is,

- (a) the owner of land assessed in the municipality; or
- (b) the tenant of land assessed in the municipality under a lease which extends for the time for which the debt or liability to be created or in which the money to be raised by the proposed by-law is payable or for twenty-one years and under which he covenants to pay all municipal taxes in respect of the land other than local improvement rates and he makes and files with the clerk not later than the last day for making complaints for revision of the preliminary list a declaration stating that he is such a tenant.

16.—(1) A corporation that is the owner of land assessed in a municipality on the last assessment roll or is a tenant of such land under a lease that complies with the requirement of clause *b* of section 15 is entitled to nominate a person who is qualified to be an elector under section 12 or 13, to be an elector to vote on a proposed money by-law submitted for the assent of the electors of the municipality.

(2) A corporation that is the owner of residential property in a municipality consisting of units or apartments that are owned on a co-operative basis may nominate a person who is qualified to be an elector under section 12 or 13, to be an elector to vote on proposed money by-laws submitted for the assent of the electors in the municipality for each such unit or apartment that is separately assessed on the latest assessment roll for the municipality.

(3) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a proposed money by-law, it shall, not later than the day for filing complaints for the revision of preliminary lists as hereinafter provided, file with the clerk of the municipality an appointment in writing of a person to vote on a proposed money by-law as its nominee and on its behalf.

POLLING SUBDIVISIONS

17.—(1) Subject to the provisions of subsection 2, the clerk shall divide the municipality into polling subdivisions and shall not later than the first day of June in an election year inform the assessment commissioner of the boundaries of each subdivision.



- (2) A polling subdivision shall not,
 - (a) so far as is practicable, contain more than 350 electors; or

- (b) extend beyond the boundaries of one ward or of an electoral district established for the purposes of the election of members to the Assembly.

PREPARATION OF PRELIMINARY LIST OF ELECTORS

Preliminary
list of
electors

18. An assessment commissioner shall, during the period commencing on the Tuesday following the first Monday in September and ending on the second Tuesday of October in an election year, from an enumeration taken during that period, compile for each polling subdivision in each municipality and locality in his assessment region a list containing the name and address of each person who during such period meets the requirements for an elector under section 12 or 13 and such list shall signify opposite the name of an elector,

- (a) who does not reside in the municipality, that he does not so reside;
- (b) who is enumerated as a Roman Catholic separate school supporter, that he is a separate school elector;
- (c) who is a Roman Catholic and the spouse of a Roman Catholic separate school supporter, that such spouse is a separate school elector;
-  (d) who is enumerated as a separate school elector in accordance with *The Separate Schools Act*, that he is a separate school elector; 
- (e) who is an owner or tenant of land in the municipality, that he is such an owner or tenant.



R.S.O. 1970,
c. 430

For polling
subdivision
where no
wards

19.—(1) In a municipality or locality that is not divided into wards, the name of an elector shall be entered on the preliminary list,


- (a) for the polling subdivision in which the elector resides; or
- (b) if the elector does not reside in the municipality or locality, for the polling subdivision in which he or his spouse is owner or tenant of land.

For one
polling
subdivision
only


 (2) The name of an elector shall not be entered under this section on the preliminary list for more than one polling subdivision. 

For polling
subdivision
where wards

20.—(1) In a municipality that is divided into wards, the name of an elector shall be entered in the preliminary list,

 (a) where he resides in the municipality, for the polling subdivision in which he resides, or;

(b) where he does not reside in the municipality, for a polling subdivision of a ward in which he or his spouse is the owner or tenant of land.

(2) The name of an elector shall not be entered under this section on the preliminary list for more than one polling subdivision.  ^{For one polling subdivision}

21. The assessment commissioner shall deliver the list of electors prepared by him under sections 18, 19 and 20 to the clerk and, in respect of a locality, to the secretary of the school board on or before the second Tuesday of October in an election year. ^{List delivered to clerk}

PRELIMINARY LIST OF ELECTORS

22. Immediately after receipt of the list of electors from the assessment commissioner, the clerk shall cause the list to be printed or reproduced and such list shall be the preliminary list of electors. ^{Printing of list}

REVISION OF PRELIMINARY LIST OF ELECTORS

23.—(1) Immediately after the printing or reproduction of the preliminary list of electors, the clerk shall, ^{Revision of list}

(a) fix the last day for filing with the clerk complaints for revision of the list for the purpose of making additions or corrections to or deletions from it and the places at which and the times when revision of the list will be commenced;

(b) post one copy of the list in a conspicuous place in his office and one copy of the list for each polling subdivision in a conspicuous place in the polling subdivision for which it is prepared; and

(c) publish notice in a newspaper having general circulation in the municipality, of the date of the posting of the list, the last day for filing complaints, and the places and times at which the revision of the list will be commenced and, where there is no such newspaper, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

(2) The day of posting copies of the preliminary list and of publishing the notice under subsection 1 shall be at least eight days before the last day for filing complaints. ^{Time for posting}

Notice
affixed
to list

(3) The clerk shall affix to the outside or cover of each copy of the preliminary list of electors for an election a notice in prescribed form, over his name,

- (a) stating that the list is a preliminary list of all electors for the election prepared as required by this Act;
- (b) setting forth the date on which the list was posted up in the office of the clerk;
- (c) giving notice to all electors to examine the list for the purposes of making additions or corrections to or deletions from the list; and
- (d) stating the last day for filing complaints concerning such additions, corrections or deletions.

Copies
of list

(4) At the time of posting a notice under subsection 1, the clerk shall deliver or mail one copy of the preliminary list to,

- (a) the assessment commissioner;
- (b) every member of the council of the municipality and every trustee of a police village all or part of which is in the municipality;
- (c) the secretary of every local board the members of which are required to be elected at an election to be conducted by the clerk;
- (d) the clerk of the council of the county or of the district, regional or metropolitan municipality in which the municipality is situate;
- (e) the clerk of the municipality responsible for conducting the elections in any combined area for school board purposes;
- (f) the member of the House of Commons and the member of the Assembly representing the electoral district in which the municipality or any part thereof is situate.

Candidates
entitled
to copies

(5) Every candidate for any office in an election is entitled to be furnished by the clerk with two copies of the preliminary list of electors entitled to vote in an election to such office.

Revision
of list

24.—(1) The clerk or an assistant revising officer shall attend at the revision of the preliminary list and shall con-

tinue to do so from day to day or as required until all complaints filed before the last day for filing complaints for revision of the list have been disposed of.

(2) Notwithstanding that the time for filing complaints for revision of the preliminary list under section 23 has not expired, the clerk may proceed to consider such complaints as from time to time may be received and may determine and dispose of them. When complaints may be considered

25.—(1) A person whose name has not been included in the preliminary list for a polling subdivision in a municipality or whose name has been included therein but the information relating to him set out therein is incorrect or whose name has been included therein as a non-resident and who is qualified to be an elector in more than one ward in the municipality may, personally or by his agent, apply to the clerk or assistant revising officer of the municipality on or before the date fixed by the clerk as the last day for filing complaints for revision of the list to have his name included on the list or to have such information corrected or to have his name deleted from the list and to have it entered in the list of another ward in which he or his spouse is the owner or tenant of land. Application to enter name in list or correct information

(2) Every person applying under this section shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk or assistant revising officer at the applicant's request, and before entering his name on the list or before correcting the preliminary list, as the case may require, the clerk or assistant revising officer shall satisfy himself that the applicant understands the effect of the statements in the application and that he is an elector entitled to have his name included on the list or to have the list corrected pursuant to his request. Application form

(3) When the language of an applicant under this section is not understood by the clerk or assistant revising officer, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused. Interpreter

(4) If it appears to the clerk or assistant revising officer that an applicant under this section understands the effect of the statements in the application and that the applicant is an elector whose name should be included in the polling list or that the amendment thereof that he requests should be made, he shall certify accordingly by signing the application. Decision to amend list

Refusal to
amend list

(5) If, in the opinion of the clerk or assistant revising officer, the statements made by an applicant in his application under this section do not show that the applicant is an elector entitled to have his name included in the polling list or to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.

Application
for deletion
of name

26.—(1) At any time after the posting of the preliminary list of electors for a municipality and until the last day for filing complaints for revision thereof, any person may file with the clerk a complaint, in the prescribed form, for deletion from the list of the name of a person who is not entitled as an elector to have his name entered thereon.

Notice to
person
where name
objected to

(2) The clerk, upon receipt of a complaint under this section, shall forthwith cause to be served personally on or sent by registered mail to the person concerning whom the complaint is made at the address given in the preliminary list and at such other address, if any, as may be mentioned in the complaint, a notice requiring such person to appear in person or by his representative before him on a day to be fixed in the notice.

Copy of
complaint to
be served

(3) A copy of the complaint shall accompany a notice served or sent under this section.

Decision of
clerk, etc.

(4) On the day for the hearing fixed in a notice given under this section, the person filing the complaint shall attend before the clerk or assistant revising officer and establish to his satisfaction the validity of such complaint and the clerk or assistant revising officer after receiving an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the complaint was made, may delete the name from the preliminary list if he is satisfied of the validity of the complaint.

Where person
objected to
does not
appear

(5) Where the person concerning whom a complaint has been made under this section does not attend before the clerk or assistant revising officer on the day of hearing fixed in the notice and the clerk or assistant revising officer is satisfied that due notice of complaint has been given to the person or that he could not be found and the registered notice could not be delivered, the clerk or assistant revising officer may delete the name of such person from the preliminary list of electors but shall not do so except upon evidence under oath which satisfies him that the name should not have been included in the list.

27. Subject to section 31 or 54, the decision of the clerk or assistant revising officer to enter on or delete the name of a person as an elector from the preliminary list of electors is ^{Decision final} final for the purposes of this Act.

28. Upon determination of all complaints for revision of the preliminary list of electors for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of additions and changes to and deletions from the list and shall send a copy of such statement so certified to each person specified in subsections 4 and 5 of section 23. ^{Statement of changes}

POLLING LIST

29.—(1) After compilation of the statement of additions, ^{Polling list} changes and deletions required under section 28, the clerk shall prepare the polling list of electors for each polling subdivision in his municipality by making the appropriate changes in the preliminary list in accordance with the statement and shall certify the list as so revised.

(2) The clerk shall, in preparing the polling list of electors under subsection 1, enter after the name of every elector who is a tenant and who has filed a declaration under section 15 that he is entitled to be an elector to vote on a money by-law the words “Entitled to vote on the by-law” and an elector shown as a tenant on the list without such words added after his name is not entitled to vote on the by-law. ^{Tenants entitled to vote on by-law}

(3) Where a corporation has appointed a nominee to vote on its behalf on a proposed money by-law in accordance with section 16, the clerk shall enter the name of the nominee in the polling list for the polling subdivision in which the corporation has its chief office in the municipality as a nominee of a corporation entitled to vote on the by-law in such polling subdivision and such nominee shall be deemed to be an elector so entitled to vote. ^{Nominee of corporation entered in list}

30. Except as provided in sections 31, 49 and 54 no person is entitled to vote at an election unless his name appears on the polling list certified under section 29 for the polling subdivision in which he tenders his vote. ^{Only persons on list entitled to vote}

31.—(1) If a person whose name is omitted from a polling list certified under section 29, at any time after preparation of the polling list and prior to the closing of the poll, satisfies the clerk of the municipality on oath that he was during the period of enumeration entitled to be an elector under section 12 or 13 and to have his name entered on a polling list for a polling subdivision in the municipality, the clerk may issue a ^{Entry of name on list by D.R.O.}

certificate in the prescribed form authorizing the deputy returning officer for such polling division to enter the name of the elector on the polling list for the subdivision and to permit such person to vote, but such vote must be cast before the closing of the poll.

Idem

(2) Where the name of a person is omitted from the polling list as finally revised and such person was during the period of enumeration otherwise qualified to be entered on the polling list except that he was not a Canadian citizen or other British subject or of the full age of eighteen years, if such person produces for the inspection of the clerk,

(a) where he was not a Canadian citizen or other British subject, his certificate of naturalization or other conclusive evidence that he has become a Canadian citizen or other British subject; or

(b) where he was not eighteen years of age, his birth certificate or other conclusive evidence that he has become eighteen years of age,

the clerk may issue a certificate authorizing the proper deputy returning officer to enter the name of such person on the polling list to entitle him to vote as if his name had been entered thereon before the list was revised.

Certificate to be produced

(3) A person is not entitled to vote under this section unless at the time he requests a ballot he produces and files with the deputy returning officer the certificate given by the clerk under subsection 1.

Copy to assessment commissioner

(4) The clerk shall furnish a copy of each certificate issued under this section to the assessment commissioner.

NOMINATIONS

Who may be nominated

32. Any person who is qualified to hold an office under the Act constituting the office may be nominated as a candidate for such office.

Nomination day

33.—(1) Nomination day for a regular election shall be Monday, the twenty-first day before polling day.

Period for nomination

(2) The period during which candidates in an election may be nominated shall be the four days immediately preceding nomination day and until 5 o'clock in the afternoon of nomination day.

Notice of nomination period

(3) The clerk shall publish, at least six days prior to the commencement of the period during which candidates in an

election may be nominated, notice of the time of commencement and closing of such period and of the offices for which candidates in the election may be nominated in a newspaper having general circulation in the municipality and, where there is no newspaper having a general circulation in the municipality, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

34.—(1) A candidate may be nominated for an office by the ^{How} filing, during the period in which candidates may be nominated, ^{nominated} in the office of the clerk during his normal office hours of a nomination paper in prescribed form, which,

- (a) shall be signed by at least ten electors whose names are entered in the polling lists of electors entitled to vote in an election to such office;
- (b) shall state the name, occupation and address of the candidate in such manner as will identify him and the office for which he is nominated; and
- (c) shall state the name and address of each elector signing the nomination paper and, where the office for which the candidate is nominated is a member of a school board, that such nominator is a public school elector or a separate school elector, as the fact is.

(2) No nomination is valid unless there is filed with the ^{Consent and} nomination paper a consent in writing to the nomination and ^{declaration to be filed} a declaration of qualification in the prescribed form by the person nominated.

(3) A nomination paper nominating a candidate for an office ^{Public} the holder of which is required to be elected by public school ^{school} electors shall be signed by public school ^{nominators} electors only.

(4) A nomination paper nominating a candidate for an office ^{Separate} the holder of which is required to be elected by separate school ^{school} electors shall be signed by separate school ^{nominators} electors only.

(5) Each candidate for election to an office shall be ^{Separate} nominated by a separate nomination paper, but an elector ^{nomination} may sign the nomination papers of different candidates. ^{papers}

(6) After a nomination paper is filed with the clerk it shall ^{Clerk} remain in the possession of the clerk. ^{to keep} ^{nomination} ^{paper}

(7) The onus is on the person nominated for election to an ^{Onus on} office to file a *bona fide* nomination paper. ^{person} ^{nominated}

Endorsation
by clerk

35.—(1) Where a nomination paper is filed in the office of a clerk, the clerk or his assistant returning officer shall endorse upon it the date and time of its filing.

Certificate
of clerk

(2) Where a nomination paper for a candidate for an office is filed in the office of a clerk prior to nomination day, the paper shall forthwith be examined by the clerk and, if he is satisfied that the requisite number of the nominators whose signatures appear on the nomination paper are electors entitled to vote for the office, he shall so certify in writing.

Posting

(3) As the nomination papers are certified by the clerk he shall cause the name, occupation and address of each candidate nominated and the office for which the candidate is nominated to be posted up in his office or other conspicuous place open to inspection by the public.

Where
filed on
nomination
day

(4) Where the nomination paper for a candidate for an office is filed in the office of a clerk on nomination day and before the time fixed for the close of nominations,

(a) the clerk shall accept the nomination paper and cause the name of the person nominated to be posted up in accordance with subsection 3;

(b) if, on examination of the nomination paper prior to 5 o'clock in the afternoon on the day following nomination day, it appears to the clerk that the requisite number of nominators whose signatures appear on the nomination paper are not electors entitled to vote for the office, he shall reject the nomination and give notice of the rejection immediately by registered mail to the person nominated and all candidates for that office, but if he is satisfied that the nominators meet such requirements, he shall so certify in writing.

Certification
by clerk

(5) Certification by the clerk in accordance with subsection 2 or 4 with respect to a nomination paper shall be conclusive evidence of the facts certified.

List of
candidates

(6) The clerk shall establish and maintain in his office a list setting out the name and residence of every candidate whose nomination has been certified under this section for the respective offices for which candidates may be nominated in the order of certification and copies of this list shall be prominently displayed in one or more locations immediately prior to the time fixed for the closing of nominations.

DEATH OF A CANDIDATE

36. If as a result of a candidate nominated for election to an office dying before the close of the poll for the election, Election on death of candidate

- (a) a person would be elected by acclamation to such office, the election to such office is void and a new election shall be held to fill such office; or
- (b) no person would be elected by acclamation to such office, the name of the deceased candidate shall be omitted from the ballots or if the ballots have already been printed, the clerk shall cause notice of the death of the candidate to be posted up in a conspicuous place in every polling place and the election shall be proceeded with as if the deceased candidate had not been nominated.

WITHDRAWAL OF NOMINATIONS

37.—(1) A person nominated as a candidate in an election may withdraw his nomination by instrument in writing, verified by his affidavit and delivered to the clerk before 5 o'clock in the afternoon of the day following nomination day. Withdrawal of nomination

(2) Where a person has been nominated for more than one office, he may withdraw in respect of one or more offices for which he is nominated by filing his withdrawal in writing with the clerk in his office before 5 o'clock in the afternoon of the day following nomination day and in default he shall be deemed to be nominated for the office for which he was first nominated and to have withdrawn his nomination for any other office. Where nominated in more than one office

ACCLAMATIONS

38.—(1) If no more candidates are nominated for any office than the number to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare that candidate or those candidates duly elected. Acclamation

(2) If more candidates are nominated for an office than the number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare the remaining candidate or candidates to be duly elected. Idem

Vacancy (3) If the number of candidates declared to be elected to an office under subsection 1 or 2 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy.

Where quorum not elected (4) Where in any election the total number of members of the council of a municipality or of a local board, as the case may be, declared elected under this section and those elected as a result of the poll in the election is less than a quorum of the council or of the local board, the council or local board in office for the preceding year shall continue in office until a new election under subsection 3 is held and the number of members of the council or local board equals or exceeds the quorum.

NOTICE OF POLL

Poll required **39.**—(1) Where more candidates are nominated for election to an office than the number required to fill that office, the clerk shall hold a poll to elect the holder of that office.

Notice of poll (2) Notice of the time for the holding of the poll in an election, including the advance poll, shall be given by the clerk forthwith after it has been determined that a poll is required, by publishing in a newspaper having general circulation in the municipality and where there is no such newspaper, the notice shall be published in such manner as the clerk may direct, and shall be posted in at least two conspicuous places in the municipality.

VOTING BY BALLOT

Voting by ballot **40.**—(1) Where a poll is held in an election, the votes shall be given by ballot in prescribed form.

Voting machines (2) In place of using ballot papers under this Act, with approval of the Minister, the council of a municipality may by by-law authorize the use at an election of voting machines for one or more polling subdivisions.

PREPARATION AND FORM OF BALLOT

Ballots **41.**—(1) A clerk who is required to hold a poll under section 39 shall prepare and cause to be printed a sufficient number of ballots in the prescribed form for use in the election.

Nomination of candidate must be certified (2) The name of a person shall not be included in a ballot as a candidate for office unless his nomination as a candidate for such office has been certified by the clerk under section 34.

(3) Subject to subsection 5, the names of the candidates shall be shown on a ballot in order of their surnames alphabetically arranged, with given names preceding the surnames, and with the surnames in bold type and the occupation of the candidate shall be stated.

Order of names

(4) Where there are two or more candidates for election to an office whose given and surnames and occupations are identical or so nearly identical as to create the possibility of confusion, the address of all candidates for election to such office shall be shown on the face of the ballot for such office immediately under their names and in sufficient detail as to identify each candidate.

Where addresses to be shown

(5) Except as provided in subsection 4, no identification such as a title, honour, decoration or degree shall be included with any candidate's name on a ballot to be used in an election, but a name commonly called a nickname or any other name by which a candidate is commonly known may be used on the ballot as the name or part of the name of the candidate.

Nicknames and titles

(6) There shall appear on the ballot to the right of each candidate's name a circle or a circular space suitable for the marking of the ballot.

Space for indicating vote

(7) All ballots for election to the same office shall be of the same description and as nearly alike as possible and the names and occupations, and the addresses if given, of the candidates shall be in one colour and the remainder of the face of the ballot shall be another colour, but different colours may be used for ballots to be used for election to different offices.

Ballots for same office to be alike

(8) A ballot may contain instructions as to the number of candidates for which a voter may vote in the following words: "You are entitled to vote for candidates for this office".

Number for which vote may be given

(9) The ballot papers for voting to obtain the assent or the opinion of electors on any by-law or question shall be in the prescribed form.

Ballots re questions

42.—(1) For an election in a municipality in which the members of council are elected by wards, there shall be prepared one set of ballots for all the polling subdivisions containing the names of the candidates for the office of mayor, another set for all the polling subdivisions containing the names of the candidates for the office of reeve, or reeve and deputy reeve, and another set for each ward containing the names of the candidates for the office of alderman or councillor for the ward.

Wards in municipality

General
vote in
city or town

(2) For an election in a city or town in which the members of council are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballots containing the names of the candidates for the offices of mayor, or mayor and reeve, or mayor, reeve and deputy reeve, and another set containing the names of the candidates for the office of alderman or councillor.

Borough in
Metro.
Toronto

(3) For an election in a township that constitutes a borough within The Municipality of Metropolitan Toronto, one set of ballots shall be prepared for all the polling subdivisions containing the names of the candidates for the office of mayor, another set of ballots for all the polling subdivisions containing the names of the candidates for the office of controller and another set for each ward containing the names of the candidates for the office of alderman.

Village or
township

(4) For an election in a village or township there shall be prepared one set of ballots containing the names of the candidates for the office of reeve or of reeve and deputy reeve, and for the office of councillor.

By-law
providing
for separate
sets

(5) The council of a town may by by-law provide that the ballots for an election to the offices of mayor, reeve and deputy reeve shall be prepared in separate sets and, the council of a village or township may, by by-law provide that the ballots for an election to the offices of reeve, deputy reeve and councillor shall be in separate sets.

When to be
passed

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the election year than the first day of November and remains in force until repealed, and while in force the prescribed ballots shall be prepared accordingly.

Separate sets
for
controller,
local board,
by-laws, etc.

(7) There shall also be separate sets of ballots,

- (a) containing the names of the candidates for the office of,
 - i. controller,
 - ii. member of a local board,
 - iii. trustee of a police village, or
 - iv. member of the council of a regional municipality;

- (b) for obtaining the assent of the electors on any by-law or the opinion of the electors on any question required or authorized to be submitted to them at an election.

(8) Where more than one by-law or question is to be sub-^{More than one by-law, etc.}mitted to the electors at one election, all of such by-laws or questions may be placed on one ballot paper.

43.—(1) In place of using separate ballots under this Act, ^{Composite ballots}the council of a municipality may, by by-law passed and approved by the Minister prior to the first day of November in an election year, authorize the use at a municipal election of composite ballots in such form subject to subsections 1 to 8 of section 41, as the by-law prescribes.

(2) A composite ballot may contain, ^{Contents}

(a) the names of candidates for the offices of member of council, member of a school board, member of a public utility commission or member of any other board, commission or body the members of which are required to be elected by the electors of the municipality or for any one or more of such offices; and

(b) any by-law or question authorized or required by law to be submitted to the electors for their assent or opinion.

(3) No elector shall be given a composite ballot containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote. ^{Not to be given to elector not entitled to vote for office on ballot}

(4) A by-law passed under this section remains in force from ^{By-law in force until repealed}year to year until repealed.

POLLING PLACES

44.—(1) Subject to section 45, the clerk shall provide for ^{Polling place}each election at least one polling place for each polling subdivision in a place that is most central or most convenient for the electors and is furnished with light and heat and such other accommodation and furniture as may be required, but the polling place may be provided outside the limits of the polling subdivision.

(2) Every polling place for an election in a municipality ^{Idem}shall be situate in the municipality, except that where a polling subdivision in a township adjoins an urban municipality, the polling place for the polling subdivision may be within the limits of the urban municipality.

(3) Every polling place shall be furnished with compartments ^{Compartments}in which voters may mark their ballots without other persons being able to see how they are marked and it is the duty of the clerk and the deputy returning officer respectively to

ensure that a sufficient number of compartments is provided at each polling place.

United
subdivisions

(4) The clerk may unite two or more adjoining polling subdivisions and provide one polling place for the united subdivisions.

Additional
places

(5) The clerk may provide such additional polling places in any polling subdivisions as are required having regard to the extent of the subdivision, the remoteness of any number of its voters from the polling place and number of voters that may conveniently vote at one polling place.

Designation
of places

(6) Where there are two or more polling places in a polling subdivision, each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets at which the electors reside or that designate the properties in respect of which the electors are qualified to vote therein, or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be, and an elector is entitled to vote at the appropriate polling place designated accordingly.

Notice of
location of
polling
place

(7) In municipalities having more than 5,000 electors, the clerk shall mail or cause to be delivered to each dwelling unit in the municipality a notice advising the elector or electors therein of the location of the polling place in which that elector or those electors is or are to vote.

Polling
places in
institutions

45.—(1) Where in a municipality there is situate a hospital or other institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or the armed forces of any member of the Commonwealth, or who are blind or deaf, a Workmen's Compensation hospital, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside, a polling place shall be provided in such institution or upon the premises, and for the purpose of polling, the institution shall be deemed to be a polling place, and every person resident in the institution who is entered on the polling list shall vote at such polling place.

Attendance
upon patients
to take
vote

(2) Where a patient of such a hospital or other institution is bed-ridden or is unable to walk, it is lawful for the deputy returning officer and poll clerk with the candidates or their scrutineers to attend upon such person for the purpose of receiving his ballot, but no candidate or scrutineer shall be present where the ballot of any such voter is marked under section 61.

(3) When every person whose name is entered on the polling list for a polling place governed by this section has voted, the deputy returning officer for the polling place may close the poll at such polling place, but the vote cast at such polling place shall not be counted until after the close of the regular polling places. ^{Closing of poll}

SUPPLIES AND EQUIPMENT FOR POLLING PLACES

46.—(1) The clerk shall, before polling day, cause to be delivered to every deputy returning officer in his municipality, ^{Supplies for polling place}

(a) a ballot box for his polling place;

(b) a sufficient number of ballots to supply the electors on the polling list of his polling place;

(c) a sufficient number of the prescribed directions for the guidance of voters for the purposes of the polling place;

(d) the polling list and a blank poll book for the polling place;

(e) all materials necessary for electors' to mark their ballots; and

(f) such other materials as are prescribed.

(2) A ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballots can be deposited therein and cannot be withdrawn without unlocking the box. ^{Ballot box}


(3) When delivering the ballots for a polling place to a deputy returning officer the clerk shall certify the number of ballots so delivered and upon receiving them the deputy returning officer shall make a count of the ballots and forward the prescribed receipt therefor to the clerk, and shall keep the certificate for return to the clerk with the other documents required to be returned to him under section 76. ^{Clerk to certify number of ballots}


(4) Every deputy returning officer before opening the poll, or immediately after he has received the printed directions from the clerk if they were not received before opening the poll, shall cause them to be placarded outside the polling place and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. ^{Directions to be placarded}

WHERE AND HOW OFTEN ELECTORS MAY VOTE

Number
of votes
that
may be
given by
an elector

47. An elector whose name appears on the polling list for a polling subdivision or who presents a certificate to vote there under section 31, 48 or 54, is entitled to vote in an election in such subdivision in accordance with the following rules:

-  1. He is entitled to vote once only for one candidate for mayor, reeve or deputy reeve.
2. He is entitled to vote for as many candidates for controller as there are controllers to be elected but once only for each candidate.
3. Where the election of aldermen, councillors, trustees or members of local boards is by general vote, he is entitled to vote for as many candidates for such offices as there are candidates to be elected but once only for each candidate.
4. Where the aldermen, councillors, trustees or members of local boards are elected by wards, he is entitled to vote,
 - i. if resident in the municipality, in the polling subdivision in which he resides; or
 - ii. if not resident in the municipality, in the polling subdivision in which his name appears on the polling list,

for as many candidates for such offices as there are candidates to be elected for the ward but once only for each candidate. 

5. Where the election is to the office of member of a school board to be elected by public school electors in a municipality or a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a public school elector is entitled to as many votes as there are members to be elected by the public school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.
6. Where the election is to the office of member of a school board to be elected by separate school electors

in a municipality or in a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a separate school elector is entitled to as many votes as there are members to be elected by the separate school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

7. An elector who is entitled to vote in respect of any by-law or question authorized or required by law to be submitted for the assent or opinion of the electors is entitled to vote once only with respect to such by-law or question.

48.—(1) Subject to subsection 2, at the request of a person whose name is entered on the polling list for a polling place in a municipality who has been appointed a deputy returning officer or poll clerk at another polling place, the clerk of the municipality shall give him a certificate that he is entitled to vote at the polling place at which he is stationed during the polling day.

Voting of
D.R.O. and
poll clerk
where
employed

(2) No certificate shall be issued under this section entitling an elector in a municipality that is divided into wards to vote at a polling subdivision in a ward different from the ward in which the polling place at which the elector is otherwise entitled to vote is situated.

Where
municipality,
divided into
wards

(3) The clerk shall not give a certificate under this section until he has ascertained by reference to the polling list or to a certificate under section 31 that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling place at which the applicant is by the polling list or certificate under section 31 to be entitled to vote, and the person to whom the certificate has been given is not thereafter entitled to vote at such polling place.

When
certificate
may be
given

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

Certificate

(5) The clerk shall keep a list in which he shall enter before he delivers a certificate under this section,

List of
certificates

- (a) the name and residence of the person to whom he gives the certificate;
- (b) the polling place at which the person is authorized to vote under the certificate;

- (c) the polling place at which the person appears by the polling list to be entitled to vote;
- (d) whether the certificate is granted to such person as deputy returning officer or poll clerk; and
- (e) if a certificate is refused, the name of the person applying for the certificate with the grounds of refusal,

and the list shall be open to inspection by any candidate scrutineer or elector.

Certificate
entitles
person to
vote

49.—(1) A person who produces a certificate given to him under section 48 is entitled to vote at the polling place designated therein, but the certificate does not entitle him to vote there unless he has been actually engaged there as a deputy returning officer or poll clerk during polling day.

Entry in
poll book

(2) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book opposite the name and residence of the person voting under the authority of a certificate, the words "Voted under Certificate".

Certificate
to be given
to D.R.O.

(3) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot.

To be kept
in envelope

(4) The deputy returning officer shall enclose all certificates to which this section applies in one envelope.

PROCEDURE AT POLL

Hours poll
to be
open

50. Every polling place shall be open for the purpose of taking the poll at every election from 11 o'clock in the forenoon until 8 o'clock in the afternoon of polling day.

When
D.R.O. to
attend poll

51.—(1) A deputy returning officer shall attend at the polling place for which he was appointed at least fifteen minutes before the hour fixed for opening the poll.

Counting of
ballots before
opening of
poll

(2) During the period of fifteen minutes before the opening of the poll, the scrutineers who are entitled to be present in a polling place during polling hours are entitled to inspect the ballots and all other papers, forms and documents relating to the poll.

Inspection,
sealing of
ballot box

52. A deputy returning officer shall, immediately before opening the poll at his polling place, show the ballot box to such persons as are present in the polling place, so that

they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 69.

53.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows: Duties of D.R.O. on tender of vote

1. He shall ascertain that the name of such person or a name apparently intended for it is entered on the polling list for the polling subdivision or that such person is entitled to vote under a certificate issued by the clerk pursuant to section 31 or 48.
2. He shall record or cause to be recorded by the poll clerk, in the proper columns of the poll book, the name and residence of such person.
3. If the deputy returning officer is satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote and if no candidate or scrutineer objects to voting by such person, the deputy returning officer shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it and shall deliver the ballot paper to such person.
4. If voting by such person is objected to by any candidate or scrutineer, the deputy returning officer shall enter the objection or cause it to be entered in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*" and the name of the candidate by or on whose behalf the objection was made and the deputy returning officer shall require such person to take the prescribed oath.
5. If the deputy returning officer is not satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote, although no candidate or scrutineer has objected, he may require such person to take the prescribed oath.
6. If such a person having been required to take the oath refuses to do so, the deputy returning officer

shall enter or cause it to be entered opposite the name of such person in the proper column of the poll book the words "*Refused to be sworn*" or "*Refused to affirm*" according to the fact and a ballot paper shall not be delivered to such person.

7. If such person takes the oath, the deputy returning officer shall enter or cause to be entered opposite such person's name in the proper column of the poll book the word "*Sworn*" or "*Affirmed*" according to the fact, shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it, and shall deliver the ballot paper to such person.
8. The deputy returning officer may, and upon request shall, either personally or through the poll clerk, explain to the elector as concisely as possible the mode of voting.

Disqualifica-
tion of
prisoners,
mentally ill,
etc.

(2) A person who on polling day is a prisoner in a penal or reform institution, or a patient in a mental hospital, or who has been transferred from a mental hospital to a home for special care as mentally incompetent is disqualified from voting at any election and no ballot shall be furnished to such a person.

Elector in
polling
place at
closing

(3) Every elector qualified to vote at a polling place who is inside the polling place at the time fixed for closing the poll is entitled to vote.

Entry of
name on
polling list
by D.R.O.

54.—(1) If a person representing himself to be an elector applies to a deputy returning officer at a polling place for a ballot and his name does not appear in the polling list or in a certificate issued under section 31 or 48 as entitled to vote at the polling place, he is entitled to have his name entered on such polling list and to receive a ballot and to vote if he takes a declaration in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer.

Idem

(2) The deputy returning officer shall enter or cause to be entered on the polling list and on the poll book the name of the elector and shall enter in the poll book a note of his having voted after being sworn as provided in subsection 1.

Where it
appears
person voted
in place
of elector,
etc.

55.—(1) Where an elector entitled to vote at a polling place applies for a ballot paper and it appears that another person has voted as such elector or that an entry has been made on the polling list in error that such elector has polled his vote, if such person takes an oath in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer he is entitled to receive a ballot paper.

(2) The deputy returning officer shall enter or cause to be entered on the poll book opposite the name of the elector who votes under this section a note of his having voted on a second ballot or of an entry having been made in the polling list in error that he has polled his vote, as the case may be. Entry in poll book

56.—(1) An elector who is required to take the oath is entitled to select any one of the prescribed forms of oaths, whatever may be the description in the polling list of the qualification or the character in which he is entered upon it. Form of oath

(2) No inquiry shall be made of an elector who is required to take the oath except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the polling list. Inquiry

57. Upon delivery to him of a ballot paper by a deputy returning officer, the person receiving it shall, Procedure on receipt of ballot

- (a) forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper with a cross or other mark with a pen or pencil within the circle or circular space to the right of the name of a candidate for whom he intends to vote;
- (b) then fold the ballot paper so as to conceal the names of the candidates and the marks upon the face of it and so as to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer.

58.—(1) Upon delivery of a ballot paper to him by an elector, the deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates or the marks made by the elector, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place, and the elector shall forthwith leave the polling place. Duty of D.R.O. on receipt of ballot

(2) A person whose ballot has been placed in the ballot box by the deputy returning officer shall be deemed to have voted. Person deemed to have voted

(3) The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for candidates for the office named in that column. Entry in poll book

Person not
to take
ballot
from polling
place

59.—(1) A person who has received a ballot from a deputy returning officer shall not take it out of the polling place, and a person who receives a ballot and leaves the polling place without returning it to the deputy returning officer, or returns his ballot declining to vote, forfeits his right to vote, and the deputy returning officer, shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot but took it out of the polling place, or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot and preserve it to be returned to the clerk.

Ballot
accidentally
spoiled

(2) An elector who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first-mentioned ballot and preserve it to be returned to the clerk.

No other
person in
compartment
while elector
marking
ballot

60. Subject to section 61, while an elector is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see how the elector marks his ballot paper.

Voter
incapacitated
by blindness,
etc.

61.—(1) On the application of any elector who is unable to read or is incapacitated by blindness or other physical cause from voting in accordance with the other provisions of this Act, the deputy returning officer shall require the elector making the application to take an oath of his incapacity to vote without assistance, and shall thereafter assist the elector by marking his ballot in the manner directed by the elector in the presence of the poll clerk and of no other person and place the ballot in the ballot box.

Blind voter's
ballot
marked by
friend

(2) The deputy returning officer shall either deal with a blind elector in the manner provided in subsection 1 or, at the request of any blind elector who has taken the prescribed oath and is accompanied by a friend, shall permit the friend to accompany the blind elector into the voting compartment and mark the elector's ballot for him.

Oath of
friend

(3) Any friend who is permitted to mark the ballot of a blind elector under subsection 2 shall first be required to take the prescribed oath that he will keep secret the manner in which the blind elector voted.

May act
as friend
only
once

(4) No person shall be allowed to act as the friend of more than one blind elector at any polling place other than a polling place established under section 45.

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the elector's name the reason why the ballot was marked by him or by a friend of the elector. Entry in poll book

62. Where the deputy returning officer does not understand the language of the elector, an interpreter provided by the elector may be sworn in the prescribed form to translate the necessary oaths as well as any lawful questions necessarily put to the elector and his answers, but in the event of inability to secure an interpreter, the elector shall be refused a ballot. Voter who cannot understand English

63. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate or, in his absence, his scrutineer, any scrutineer appointed by the council in relation to any by-law or question, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes. Who may remain in polling place

ADVANCE POLLS

64.—(1) The clerk shall hold an advance poll in accordance with this section on the Monday and Saturday, seven days and two days respectively, before polling day for the purpose of receiving votes of electors who expect to be unable to vote on polling day in the polling subdivisions for which their names appear on the polling lists or who are entitled to vote under a certificate issued by the clerk under section 31 or 54. Advance poll

(2) The advance poll shall be open from 11 o'clock in the forenoon until 8 o'clock in the afternoon on each of the two days it is held and polling shall be held so far as possible in the same manner as polling at a regular election. When poll to be open

(3) The clerk shall provide as many polling places for an advance poll as he considers necessary and shall appoint a deputy returning officer and poll clerk for each such polling place. Polling places

(4) Every person offering himself as a voter at a polling place for an advance poll shall be required by the deputy returning officer before being allowed to vote to make the prescribed declaration, which shall be kept by the deputy returning officer with the other records of the poll. Declaration of elector

(5) Forthwith after the close of the advance poll on each day it is held, the deputy returning officer shall make up and deliver to the clerk a list of the names of all persons who have voted showing in each case the number of the List of persons voting

polling subdivision in which the elector is entered on the polling list and the clerk shall, at the request of any candidate, furnish him with a copy of such list.

Duties of
clerk on
receiving
list

(6) Upon receiving the list mentioned in subsection 5, the clerk shall,

- (a) make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each elector whose name appears on such list and whose vote has been received at an advance poll, showing that such elector has voted; or
- (b) make a certificate in the prescribed form for each polling subdivision, showing the name and address of each elector listed on the polling list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate before the opening of the poll on polling day to the deputy returning officer of the polling subdivision, and the deputy returning officer shall before opening the poll make an entry on the polling list supplied to him, opposite the name of each elector whose name appears on the certificate, showing that such elector has voted.

Sealing
of box

(7) Forthwith after the close of the advance poll on each day it is held the deputy returning officer and any candidate or scrutineer present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals and the deputy returning officer shall forthwith deliver it personally to the clerk for safe keeping.

Opening of
ballot boxes
for advance
poll

(8) On the regular polling day for an election, after the close of polling, the deputy returning officer shall, in the presence of such candidates for office at the election and their scrutineers as are present at the hour fixed for the closing of the poll, open the ballot boxes for the advance poll, count the votes and perform all other duties required of deputy returning officers by this Act.

PROXY VOTING

Who may
vote by
proxy

65.—(1) Any person whose name is entered on the polling list for a polling subdivision and who is,

- (a) a person other than one described in section 45 and who is certified by a legally qualified medical practitioner, by certificate filed with the clerk, to be physically incapable of attending a polling place;

(b) a person absent from his regular residence by reason of attending an educational institution and who is entered on the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day; or

(c) a person who expects to be absent from his polling subdivision during the election period including the advance poll and polling day by reason of his being engaged for hire or reward in the business of transportation by railway, air, water or motor vehicle,

may vote by proxy in that polling subdivision.

(2) Any person who is entitled to vote by proxy pursuant to subsection 1 may appoint in writing in the prescribed form as his voting proxy a person who is entitled to vote in the municipality in which the person voting by proxy is qualified to vote.

Who may be proxy

(3) A voting proxy may not act as a voting proxy for more than one person voting by proxy except where the person voting by proxy is the child, grandchild, brother, sister, husband or wife of the voting proxy, in which case a voting proxy may act for more than one such person voting by proxy.

May be proxy once only

(4) An appointment of a person as a voting proxy is not valid unless it is made after nomination day and does not remain in force after polling day.

Term of appointment

(5) A person who has been appointed a voting proxy may apply to the clerk not later than 5 o'clock in the afternoon of the Tuesday preceding polling day to receive a certificate to vote by proxy for the polling subdivision in which the person appointing the voting proxy is entitled to vote.

Application for certificate to vote by proxy

(6) The clerk shall take evidence on oath as to the right of the person appointing the voting proxy to vote in the polling subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the voting proxy is duly qualified and that the voting proxy is qualified to act for the person appointing him, he shall give a certificate in prescribed form across the face of the appointment of the voting proxy to that effect.

When certificate to be given

(7) Not more than one voting proxy may be appointed on behalf of any person at any election.

Not more than one proxy

Oath on
voting

(8) A ballot shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the clerk thereon as provided in subsection 6 and takes the prescribed oath.

Record of
voting proxy

(9) Where a voting proxy has voted, the deputy returning officer shall record in the poll book the fact that the person appointing the voting proxy voted by proxy and the name of the voting proxy, and shall file the appointment of the voting proxy and the certificate of his appointment given by the clerk with the election papers and return them to the clerk in the envelope provided for that purpose.

Proxy may
vote in
own right

(10) A person who has been appointed as a voting proxy is entitled to vote in his own right in the municipality notwithstanding that he has voted as a voting proxy.

KEEPING OF PEACE: INTERRUPTED ELECTIONS

Assistance of
constables

66. A clerk or a deputy returning officer may require the assistance of constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he considers necessary.

When
election not
commenced or
interrupted

67. If by reason of riot or other emergency the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the clerk or deputy returning officer, as the case may be, shall hold or resume the polling on the following day at 11 o'clock in the forenoon and continue the same from day to day, until the poll has been opened without interruption and with free access to voters for nine hours in all.

COUNTING THE VOTES

Duties of
D.R.O. after
close of poll

68. Immediately after the close of the poll, the deputy returning officer at each polling place shall,

- (a) place all the cancelled, declined and unused ballots in separate sealed envelopes;
- (b) count the number of electors whose names appear by the polling book to have voted and make an entry in the book on the line immediately below the name of the elector who voted last as follows:—"The number of electors who voted at this election in this polling place is (stating the number)" and sign his name thereto.

69.—(1) After compliance with section 68, the deputy returning officer shall, in the presence and in full view of the persons entitled to be present, open the ballot box for the polling place and proceed to count the numbers of votes for each candidate, giving full opportunity to those present to examine each ballot. ^{Counting of votes}

(2) In counting the votes, the deputy returning officer shall reject all ballots, ^{Rejection of ballots}

- (a) that have not been supplied by him;
- (b) that contain the names of candidates for one office only and in which votes have been cast for more candidates than are to be elected to the office;
- (c) that are separate ballots submitting a by-law for the assent or a question for the opinion of the electors, and votes are cast for both the affirmative and the negative on the by-law or question; or
- (d) upon which there is any writing or mark by which the elector can be identified, or that has been so torn, defaced or otherwise dealt with by the elector that he can thereby be identified,

but no word, letter, or mark written or made or omitted to be written or made by the deputy returning officer on a ballot voids it or warrants its rejection.

(3) Where a ballot contains the names of candidates for more than one office and votes are cast on such ballot for more candidates for any office than are to be elected to such office, such votes are void and shall be rejected, but unless such ballot is rejected under subsection 2, the votes for any other office in respect of which the elector has not voted for more candidates than are to be elected shall be counted. ^{Idem}

(4) Where in a composite ballot,

^{Composite ballots}

- (a) votes are cast for more candidates for any office than are to be elected to such office; or
- (b) votes are cast for both the affirmative and negative on any by-law or question,

the votes for such candidates or with regard to the by-law or question, as the case may be, are void and shall be rejected but, unless such ballot is rejected under subsection 2, the votes for any other offices, by-law or question in respect of which votes are correctly indicated shall be counted.

Where part
of votes
rejected

(5) Where part of the votes cast in any ballot are rejected under subsection 3 or 4, the deputy returning officer shall note such fact on the back of the ballot and initial the note, and where all the votes on the ballot are rejected under either or both of such subsections, the ballot shall be treated as a rejected ballot.

Objection
by candidate,
etc.

70.—(1) A candidate or a scrutineer at a polling place may object to a ballot or to the counting of votes in any ballot in whole or in part on the ground that the ballot or such votes should be rejected under section 69 and the deputy returning officer at the polling place shall decide the objection, subject to review on a recount or in a proceeding questioning the validity of the election.

Objections to
be listed

(2) The deputy returning officer shall list all objections under subsection 1 to the counting of ballots or of votes therein and number such objections and shall place the number of an objection on the back of the ballot objected to and initial the number.

How votes
counted

71. The deputy returning officer shall count all votes cast at his polling place that are not rejected and shall keep an account of the number of votes so cast and allowed for each candidate and with respect to each by-law or question.

Ballots to
be placed
in separate
packets

72. Following count of the votes at his polling place, a deputy returning officer shall place in separate sealed packets,

- (a) all used ballots that have not been objected to and have been counted in whole or in part ;
- (b) all used ballots that have been objected to but which have been counted in whole or in part ;
- (c) all rejected ballots ;
- (d) all ballots used but unmarked.

D.R.O. to
endorse
packets

73. The deputy returning officer shall endorse every packet of ballots made up by him under clause *a* of section 68 or section 72 so as to indicate its contents and any candidate or scrutineer present may write his name on the packet.

Oath of
poll clerk

74. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the prescribed oath.

STATEMENT AND MATERIALS RETURNED TO CLERK

75.—(1) The deputy returning officer shall make out a ^{Statement of D.R.O.} statement in duplicate of the number of,

- (a) ballots received from the clerk;
- (b) votes given for each candidate;
- (c) votes given for and against a by-law or question;
- (d) used ballots that have not been objected to and have been counted;
- (e) ballots that have been objected to in whole or in part but which have been counted;
- (f) rejected ballots;
- (g) cancelled ballots;
- (h) ballots used but unmarked;
- (i) declined ballots;
- (j) unused ballots;
- (k) voters whose ballots have been marked by the deputy returning officer under sections 45 and 61.

(2) One statement shall be attached to the poll book and the duplicate statement enclosed in a special packet shall be ^{Statement attached to poll book} delivered to the clerk as provided herein.

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their ^{Statement signed by D.R.O., etc.} scrutineers as are present and desire to sign it.

(4) The deputy returning officer shall deliver to such of the candidates or their scrutineers as are present, if requested to do so, a certificate of the number of ballots counted for ^{Certificate re ballots counted and rejected} each candidate, and of the rejected ballots.

76.—(1) The deputy returning officer shall place in the ballot box the poll book, the polling list, the packets containing the ballots and all other documents or packets that served at the election, except, ^{What to be placed in ballot box}

- (a) the duplicate statement;
- (b) the oath of the poll clerk; and
- (c) the oath of the person, if any, chosen to deliver the ballot box to the clerk.

Box to be
locked, etc.

(2) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it and the documents enumerated in subsection 1 personally to the clerk.

Oath of
D.R.O.

(3) Forthwith thereafter, the deputy returning officer shall take and subscribe the prescribed oath and shall personally deliver it or transmit it by registered mail to the clerk.

Delivery of
ballot box,
etc., to
clerk

(4) If the deputy returning officer is unable personally to deliver the ballot box and documents enumerated in subsection 1 owing to illness or other cause, he shall deliver them to the poll clerk for delivery to the clerk, or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering them to the clerk, who shall take the prescribed oath to do so and the deputy returning officer shall thereon, or on a ticket attached thereto, write the name of the person to whom the box was delivered and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver them to the clerk and shall take before him the prescribed oath.

Right of
candidate,
etc., to be
present

(5) The candidates, or their scrutineers, are entitled to be present when the ballot box and documents for a polling place are delivered to the clerk pursuant to this section.

D.R.O. not to
take box to
home, etc.

(6) A deputy returning officer, after the close of the poll, shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any house or place except the office of the clerk.

Clerk to add
up votes

77.—(1) The clerk, after he has received the ballot boxes and other documents referred to in section 76, shall, without opening any of the ballot boxes, cast up from the duplicate statements showing the number of votes for each candidate and for the affirmative or negative on any by-law or question at each polling place the total number of votes for each candidate and the total number of votes for the affirmative or negative on any by-law or question.

Declaration
of result

(2) After casting up the total number of votes cast at an election, the clerk shall, at the town hall or, if there is no town hall, at the clerk's office at noon on the Thursday following the day on which the polling is held, publicly declare to be elected the candidate or candidates having the highest number of votes, and declare the result of the vote with respect to any by-law or question and he shall also post up in some conspicuous place a statement under his hand showing the number of votes for each candidate and for the affirmative or negative on the by-law or question.

(3) If for any cause, the clerk cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, or for the affirmative or negative on any by-law or question he may adjourn to a future day and hour the adding up of the votes and so on from time to time, such adjournment or adjournments not in the aggregate to exceed fourteen days.

78.—(1) Except as provided in this section, the clerk, upon the receipt of a ballot box, and the documents referred to in section 76, shall take every precaution for their safekeeping and for preventing any other person from having access to them, and shall immediately on receipt of the ballot box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered.

(2) Where the documents specified in subsection 1 of section 76 are in error placed in the ballot box or where the duplicate statement cannot be interpreted by the clerk, he may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the meaning of the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the clerk and by the clerk.

(3) If a deputy returning officer has not delivered the statement of the ballots counted by him to the clerk as required by section 76, the clerk shall after notification to the candidates or their scrutineers, who may be present, open the appropriate ballot box for the purpose of counting the votes and shall count the votes.

79. If a ballot box for any polling place has been destroyed or lost, or, for any other reason, is not forthcoming by the time fixed for adding up the votes, the clerk shall ascertain the cause and, if the statement of the votes cast and certificates, or any of them or copies of them, cannot be procured, the clerk shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the polling place and for the affirmative or negative on any by-law or question, and may summon any deputy returning officer, poll clerk, election assistant or other person to appear before him at a time and place to be named by him, and the clerk shall notify the candidates of the intended proceedings and may examine on oath such deputy returning officer, poll clerk, election assistant or other person respecting the matter in question.

80.—(1) If upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of

such candidates cannot be elected, or the votes for the affirmative and negative on a by-law or question are equal, the clerk shall publicly declare the result and post up in a conspicuous place a statement showing the number of votes for each candidate and for and against the by-law or question and shall forthwith notify a judge of the result and the judge shall thereupon appoint a time and place to recount the votes cast up for such candidates or concerning such by-law or question.

Application
of ss. 81-88

(2) In such proceedings, sections 81 to 88 apply *mutatis mutandis*.

RECOUNT

Interpre-
tation

81.—(1) In this section and in sections 82 to 84, “judge” means the judge of the county or district court in which the municipality or part thereof or the administrative or head office of the local board is situate.

Where
recount
desirable

(2) If, within fourteen days after the declaration by a clerk of the result of an election, upon an application of a candidate or voter it is made to appear by affidavit to a judge that the votes have been improperly counted or any ballot paper has been improperly rejected or that an incorrect statement of the number of ballots cast for any candidate or for the affirmative or negative on any by-law or question has been made or that the votes have been improperly added up, and if within that time the applicant has given security for the costs in connection with the recount or final addition of any candidate declared elected in the amount of \$100 in legal tender, or if at any time within four weeks after such declaration the council of the municipality whose clerk was the returning officer has by resolution declared that a recount or final addition is desirable in the public interest, the judge shall appoint a time and place to recount or make a final addition of the votes cast at the election, and shall notify the clerk thereof.

Notice of
recount

(3) At least two days notice in writing of the time and place appointed shall be given by the clerk to the candidates and to the applicant, and the clerk or a person appointed by the clerk for the purpose shall attend the recount or final addition with the ballot boxes and all documents relating to the election.

Who may be
present

(4) The judge, the clerk, a person appointed by the clerk, each candidate and his scrutineer appointed to attend the recount or final addition, and such other persons as the council may appoint where the recount or final addition relates to a by-law or question, but no other person, except with the approval of the judge, is entitled to be present at the recount.

(5) Where a recount relates to the election of a candidate, ^{What ballots involved in recount} the recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected or in other cases for the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or the votes cast for him to be finally added.

(6) At the time and place appointed, and in the presence of ^{Procedure by judge} such of the persons entitled to be present as may attend, the judge conducting a recount or final addition of the votes cast at an election shall make such final addition from the statements returned to the clerk by the deputy returning officers, or recount all the ballots received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purposes of the recount open the sealed packets containing the used ballots that were not objected to and were counted, the ballots that were objected to but which were counted, the rejected ballots, the cancelled ballots, the ballots that were used but were unmarked, the declined ballots and the unused ballots.

(7) Subject to subsection 8, the judge shall proceed according ^{Rules to govern proceedings} to the provisions of this Act for the counting of the ballots and of the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

(8) If for any reason it appears desirable to do so the judge, ^{Judge may hear any evidence necessary for proper recount} upon the application of any party to a recount, may hear such evidence as he considers necessary for the purpose of making a full and proper recount of the ballots, and, without restricting the generality of the foregoing, he may, if the recount results in any of the candidates for any office being declared to have received the same number of votes as any other candidate or candidates who were parties to the recount, hear such evidence as he considers necessary to determine who was elected to that office.

(9) Upon the completion of a recount all the ballots shall ^{Judge to certify recount to clerk} be sealed in their separate packets and upon completion of final addition, the statements shall be sealed in their respective packets and the judge shall certify the result of the recount or final addition to the clerk.

(10) The judge may require the clerk of the county or district ^{Clerk of court} court to be present at the time and place appointed.

82.—(1) The judge shall delay sending his certificate under ^{Time for sending certificate to clerk} section 81 to the clerk for two days after the completion of

the recount or final addition in order to allow for an appeal as provided in section 86.

If no appeal
clerk to
declare
result

(2) If no notice of appeal is given to the judge within two days after the completion of a recount or his final addition, the judge shall certify forthwith the result to the clerk who shall then declare the candidate having the greatest number of votes to be elected or certify to the council the result of the vote with respect to a by-law or question.

Equality of
votes after
recount
where one
person to be
elected

83. In the case of an equality of votes for candidates for any office for which one person only is to be elected, as a result of a recount or final addition, the successful candidate shall be determined by lot conducted by the clerk.

Costs of
recount

84.—(1) The costs of a recount under section 81 are in the discretion of the judge making the recount who may order by whom, to whom and in what manner the costs shall be paid.

Awarding
of costs

(2) The judge may in his discretion award costs of a recount or final addition to or against any candidate who is a party to it and may fix the amount thereof or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court.

Where no
provision as
to costs

(3) Where the judge makes no provision as to the costs of a recount or final addition, the disbursements made or authorized to be made by the clerk shall be paid by the municipality.

Payment of
deposit

(4) Where costs are directed to be paid by the applicant for a recount or final addition, the money deposited as security for costs under section 81 shall be paid out to the party entitled to such costs, so far as necessary.

Enforcement
of payment
of costs

(5) Payment of the costs awarded under this section may be enforced by execution to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them.

Expenses of
judge

(6) The judge is entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him for a recount or final addition.

Where no
appeal
documents,
etc., to be
returned
to clerk

85.—(1) Upon expiry of the time for appeal from a decision of a judge on a recount or final addition if no appeal has been

taken, the judge shall cause all the ballots to be sealed in their original packets and upon completion of final addition, shall cause the statements to be sealed in their respective packets and returned to the custody of the clerk.

(2) If an appeal is taken from the decision of a judge on a recount or final addition, the judge shall cause such of the ballots and such of the original statements as are not required for the purpose of the appeal to be sealed in their respective packets and returned to the custody of the clerk. Documents not required on appeal

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

86.—(1) Any party may appeal from the decision of the judge who conducted a recount or final addition other than a decision on a recount or final addition of votes in relation to any by-law or question, by giving notice in writing within two days after the completion of the recount or final addition to the other parties and to the judge of his intention to appeal, and he may by the notice limit the appeal to specified ballots. Appeal from decision of judge

(2) The notice may be served upon the other parties personally, or as a judge of the Supreme Court may direct. Service of notice

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall cause to be sealed the ballots or statements that are the subject of appeal in a separate packet and shall forward them, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited the judge shall forward all the ballots and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate under section 81 to the clerk. Ballots, etc., to be forwarded to Registrar of Supreme Court

(4) On receipt of the ballots and notice, the Registrar shall forthwith obtain an appointment from a judge of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed. Appointment for hearing

(5) At the time appointed, the judge of the Supreme Court shall recount the ballots or such of them as are the subject of appeal, or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it is to conform to the decision and to certify the result without delay to the clerk. Procedure on appeal

(6) The judge of the Supreme Court may direct by and to whom, the costs of the appeal shall be paid. Costs of appeal

Idem

(7) Where the judge of the Supreme Court makes no provision as to costs, the disbursements made or authorized to be made by the clerk, shall be paid by the municipality.

DISPOSITION OF ELECTION RECORDS

Disposition
of ballots

87.—(1) The clerk shall retain in his possession for ninety days from the date of the poll for an election all the ballots in the election and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a statutory declaration that they witnessed the destruction of them and such declaration shall be filed in the office of the clerk.

Disposition
of other
documents

(2) Subject to subsection 1, the clerk shall retain in his possession all oaths, nominations, qualification documents, statements of the votes cast, and other documents relating to an election until the successors to the persons elected at such election have taken office, and may then destroy them.

Inspection of
ballots, etc.

88.—(1) No person shall be allowed to inspect any ballot or other document relating to an election in the custody of the clerk except under the order of a judge.

Order of
judge

(2) The order may be made on the judge being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence, or corrupt practice, or of taking proceedings for contesting the election or return.

Production
of documents
by clerk

89. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballots so produced is evidence that the contents are what they are stated to be by the endorsement.

NEW ELECTIONS

New
election

90.—(1) Where a new election is required under the authority of this or any other Act to fill a vacancy in any office by an election other than a regular election, the clerk of the municipality who is the returning officer with whom nominations may be filed shall set the date of the nomination day which shall be within forty-five days of the day on which the vacancy for which he is required to hold the election occurs.

Procedure

(2) The procedure including the period for filing nominations at a new election shall be the procedure and period applicable

at a regular election of the municipality and polling day shall be not less than eighteen and not more than twenty-one days after nomination day.

(3) The polling required to fill a vacancy in an office by this ^{Polling} section shall so far as possible be held in the same manner and by the same officers and take place at the same places in so far as practicable at which the polling took place at the last regular election.

(4) Unless a new preliminary list of electors has been ^{List of electors} furnished by the assessment commissioner, under subsection 5, the preliminary list to be used for preparation of the polling list for a new election shall be the polling list used at the last regular election, which shall be subject to revision as if it were a preliminary list of electors under section 24 and to additions pursuant to a certificate of the clerk under section 31 and the clerk may fix the times and places for the making of complaints as to revision.

(5) Where in the year following an election year, the annual ^{Idem} enumeration under *The Assessment Act* has, prior to the holding ^{R.S.O. 1970, c. 32} of the new election, been completed for the municipality or municipalities in which the new election is to be held, the assessment commissioner shall, within fourteen days of a request by the clerk or clerks of such municipality or municipalities, furnish a new preliminary list of electors based on such annual enumeration and in accordance with the requirements of this Act pertaining to the preparation of such lists and such preliminary list shall for all purposes, including revision by the clerk, be the preliminary list of electors for the new election.

(6) Where a vacancy occurs in any office and an election is to be held to fill such vacancy, a person holding any other office is not eligible to be a candidate for the vacant office unless he has, before the first day of the period during which nominations for the new election may be filed, filed with the clerk a certified copy of his resignation from the office that he then holds with evidence satisfactory to the clerk that such resignation has been filed as required by legislation governing the office that he then holds. ^{Eligibility of member to be candidate for other office}

(7) Notwithstanding anything in this or any other general or ^{Vacancy after March 31st of election year} special Act, a new election shall not be held to fill a vacancy where the vacancy occurs after the 31st day of March of an election year.

91. Notwithstanding that a new election becomes necessary, ^{Council may meet notwithstanding vacancy} meetings of the council may be held if a quorum of the council is present.

EFFECT OF IRREGULARITIES

Irregularities
not to offset
result

92. No election shall be declared invalid,

- (a) by reason of any irregularity on the part of the clerk or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes or as to limitations of time; or
- (d) by reason of any mistake in the use of the prescribed forms,

if it appears to the court having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

SECRECY OF PROCEEDINGS



Secrecy of
proceedings

93.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

Interference
with
voter

(2) No person shall interfere or attempt to interfere with an elector when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how an elector is about to vote or has voted.

Communica-
tion as to
voting

(3) No person shall communicate any information obtained at a polling place as to how an elector at such polling place is about to vote or has voted.

Inducing
person to
show ballot

(4) No person shall, directly or indirectly, induce or attempt to induce an elector to show his ballot paper after he has marked it, so as to make known to any person how he has voted.

Voter not
to show
ballot

(5) Subject to section 61, an elector shall not show his ballot paper, when marked, to any person so as to make known how he voted.

No one com-
pellable to
disclose
his vote

(6) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted.

OFFENCES, PENALTIES AND ENFORCEMENT

94. Every person who, at an election,

Voting when
not qualified,
etc.

- (a) not being qualified to vote, votes; or
- (b) being qualified to vote, votes more times than he is authorized to vote by this Act; or
- (c) votes in a polling subdivision other than one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

95. Every person who,

Improper
voting by
proxy

- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
- (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the elector who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

96. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Wilful
miscount
of ballots

97. Every clerk, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Neglect of
duties

98. Every person who,

Offences
relating to
ballot
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;

- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper that is not a ballot, purports to be or is capable of being used as a ballot at an election; or
- (g) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

False
information
to authorized
persons

99. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Offences of
inducing un-
qualified
person to vote
or publishes
false state-
ment of with-
drawal of
candidate

100. Every person who,

- (a) induces or procures any person to vote knowing that that person has no right to vote; or
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.



Bribery;

101.—(1) Every person who,

bribing
elector or
procuring
bribery by
money

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any

elector having voted or refrained from voting at an election; or

- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any elector, or to or for any other person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at an election; or by gift or offer or promise of employment
- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any elector at an election; or to induce anyone to procure return of candidate or endeavour to procure
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any elector at an election; or receiving bribe to procure return of candidate
- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or advancing money to be spent in corrupt practices
- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or applying for money or employment in consideration of voting
- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives or agrees or contracts for any money, gift, loan or receiving money, office, etc., for having voted

valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

receiving
money
corruptly
after
election

- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

giving or
promising
office to
candidate
to stand or
withdraw


- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

is guilty of bribery, and on summary conviction is liable to a fine of \$200, or to imprisonment for a term of not more than six months, or to both, and is disqualified from voting at any election for four years.

Personal
expenses of
candidate

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act.

Posting of
provisions
as to corrupt
practices

(3) The clerk shall furnish every deputy returning officer with at least two copies of this section, and the deputy returning officer shall post them in conspicuous places at the polling place. 

General
offence

102. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Disqualifi-
cation of
persons
guilty of
corrupt
practice

103.—(1) Where a candidate at an election is convicted of bribery or of committing a corrupt practice, he is ineligible to be nominated and stand as a candidate at any election up to and including the next regular election, or to hold any office at the nomination of a municipal council or local board for four years following the date of the poll.

(2) If, when the candidate is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate is not subject to the penalties and disabilities provided by subsection 1. Limitation

CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

104.—(1) The validity of an election or of the election of any person to any office at such an election or whether or not any person is guilty of a corrupt practice respecting an election shall be tried and determined by an action commenced by issuing a writ in the county or district court for the county or district in which the municipality or the administrative or head office of the local board is situated. Validity of election, etc., determined by action

(2) Where the county or district court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under sections 94 to 100. Penalties for corrupt practice

(3) A candidate at an election or any elector entitled to vote at an election referred to in subsection 1, may commence an action under this section in relation to such election. Who may commence action

(4) No action shall be commenced after the expiration of ninety days following the date of the poll at the election referred to in subsection 1. Time for commencing action



105.—(1) The judge shall, in a summary manner and without formal pleadings, hear and determine the questions raised by or upon an action under section 104 and may give directions as to the conduct thereof and may inquire into the facts on affidavit, by oral testimony, or by trying an issue framed by him, or by one or more of those means. Mode of trial

(2) Subject to subsection 1 and where not otherwise provided in this Act, the practice and procedure of the county or district court apply to an action commenced under section 104. Idem

(3) The action shall be tried by a judge without a jury. Judge without jury

106.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the clerk incurred in the publication of notices in the municipality in respect of the writ of the action or proceedings therein. Security for costs

Idem

(2) The security shall be in the amount of \$400 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

Abatement of action

107.—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

Liability for costs

(2) The abatement of an action does not affect any liability for costs previously incurred.

Substitution of plaintiff

(3) On the abatement of an action any person who might have been a plaintiff may apply to a judge of the court or, during the trial, to the trial judge to be substituted as the plaintiff.

Substitution for unqualified person

108. Where a plaintiff is not qualified to be a plaintiff in an action under this Act, the action shall not on that account be dismissed if within such time as a judge of the court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.

Successful candidate guilty of corrupt practice

109.—(1) Where it is determined that a successful candidate is guilty of bribery or of a corrupt practice, the court may declare his election void and his office shall thereupon become vacant.

Unseating and seating of another elected candidate

(2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person would have been elected but for the corrupt practice that he be admitted to take his seat in the council or board or, if it is determined that no other person is elected, a new election shall be held.

Where commission of corrupt practice affected result of election

(3) Where it is determined that any person is guilty of bribery or of a corrupt practice and that the commission of the bribery or corrupt practice affected the result of the election, the court may declare the election void and a new election shall be held.

Where act of election official affected result of election

(4) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and a new election shall be held.

Compensation of candidates where election void

(5) Where a new election is to be held, the court may make such order as it considers just, against any person who is found guilty of an offence or of bribery or a corrupt practice under this Act, for the compensation of candidates at the void election, not exceeding \$2,000 per candidate.

Judgment to clerk

(6) The clerk of the court shall forward a copy of the judgment and the reasons for judgment to the clerk of the municipality.

110. If the court determines that a member was not duly elected, notwithstanding that an appeal from the decision is pending, he is not entitled to sit or vote on the council or board until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat and to sit and vote until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board.

Where
election set
aside and
appeal
entered

111. A new election shall not be held until after the expiration of the time limited for appeal from the determination of the court that the election is void and, if an appeal is brought, the election shall not be held pending the appeal.

New election
not to be
held pending
appeal

112.—(1) An appeal lies from the judgment of the county or district court to the Divisional Court in accordance with the rules of court.

Appeal to
Divisional
Court

(2) The Divisional Court may give any judgment that ought to have been pronounced or may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Divisional Court, the case shall thereafter be proceeded with as if there had been no appeal.

Judgment
or new trial

(3) An appeal lies from the decision of the trial judge to whom the case was remitted by the Divisional Court in accordance with the provisions of this section.

Appeal from
decision on
new trial

113. Any person elected may, at any time after the election and before it is complained of, deliver to the clerk of the municipality a disclaimer, signed by him, to the following effect:

Disclaimer
before
complaint

“I, A.B., hereby disclaim all right to the office of
.....for the.....of
.....in the county (or district) of
.....and all defence of any right I may
have to the same. Dated.....day of
....., 19.... A.B.”

114. A person whose election is complained of, unless it is complained of on the ground of bribery or of a corrupt practice

Disclaimer
after
complaint

on his part, may, within one week after service on him of the writ, transmit by registered mail, or deliver to the judge of the court, and to the applicant or his solicitor, a disclaimer signed by him to the following effect:

"I, A.B., upon whom a writ, authorized by *The Municipal Elections Act, 1972*, has been served for the purpose of contesting my right to the office

of....., in the county (or district)

of....., hereby disclaim the office, and all defence of any right I may have to the same.

Dated.....day of....., 19....
A.B."

Duplicate
of disclaimer
to clerk

115.—(1) A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council.

Operates as
resignation

(2) A disclaimer in accordance with section 113 or 114 operates as a resignation.

Relief from
costs

(3) A disclaimer in accordance with section 114 relieves the person making it from all liability for costs in an action under section 104.

Procedure
substituted
for *quo
warranto*
proceedings

116. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Act and not by *quo warranto* proceedings or by an action in any court.

Regulations

117. The Minister may make regulations,

- (a) prescribing forms for the purposes of this Act; and
- (b) prescribing rules for the use of voting machines.

R.S.O. 1970,
cc. 288, 485,
repealed

118. *The Municipal Franchise Extension Act* and *The Voters' Lists Act* are repealed.

Commence-
ment

119. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

120. This Act may be cited as *The Municipal Elections Act, 1972.*

An Act respecting
Municipal Elections

1st Reading

April 20th, 1972

2nd Reading

May 16th, 1972

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by
the Administration of Justice Committee)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Municipal Elections

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act respecting Municipal Elections

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "advance poll" means a poll held under section 64;
2. "assessment commissioner" in relation to a municipality means the assessment commissioner appointed under *The Assessment Act* for the assessment region in which the municipality is situate; R.S.O. 1970,
c. 32
3. "assistant returning officer" means a person appointed by the clerk to assist him in the conduct of the election;
4. "assistant revising officer" means a person appointed by the clerk to assist him in the revision of the list of electors;
5. "candidate" means a person who is nominated for election to office in accordance with this Act and whose nomination is certified by the clerk;
6. "clerk" with respect to a municipality means the clerk of the municipality;
7. "constable" means a constable or a person appointed as a constable by the clerk or the deputy returning officer to maintain peace and order at an election;
8. "corrupt practice" means any act or omission in connection with an election in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act; R.S.C. 1970,
c. C-34
9. "deputy returning officer" means a deputy returning officer appointed for a polling place under this Act.

10. "election" means an election governed by this Act;
11. "election assistant" means a person appointed by the clerk to assist in the conduct of an election;
12. "election year" means a year in which a regular election is held in accordance with the provisions of this Act;
13. "elector" means a person entitled under this Act to vote in an election;
14. "enumerated" means enumerated under *The Assessment Act*;
15. "local board" means a local board as defined in *The Municipal Affairs Act*;
16. "locality" means territory without municipal organization that is deemed a district municipality under *The Secondary Schools and Boards of Education Act* and *The Separate Schools Act*.
17. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
18. "municipality" means a city, town, village or township;
19. "new election" means an election other than a regular election;
20. "nomination day" means the last day for filing nominations;
21. "oath" includes an affirmation;
22. "office" means an office, the election to which is governed by this Act;
23. "owner or tenant" means a person enumerated as owner or tenant of land separately assessed or liable to be separately assessed under *The Assessment Act*;
24. "polling day" means the day on which the poll is to be taken under this Act;
25. "polling list" means the list of electors for each polling subdivision revised and certified by the clerk;

R.S.O. 1970,
c. 118

R.S.O. 1970,
cc. 425, 430

R.S.O. 1970,
c. 32

26. "polling subdivision" means a polling subdivision established by the clerk under this Act ;
27. "preliminary list" means a preliminary list of electors ;
28. "prescribed" means prescribed by the Minister ;
29. "public school elector" means an elector who is not a separate school elector ;
30. "quorum" means a majority of the members of council or of a local board or the trustees of a police village, as the case may be ;
31. "regular election" means an election required to be held biennially under section 10 of this Act ;
32. "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules :
 - (a) The place where a person's family resides shall be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
 - (b) The place where a person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place, shall be deemed to be his residence ;
33. "scrutineer" means any person appointed as a scrutineer by a candidate under section 6 or by a council under section 7 ;
34. "separate school elector" means an elector who is a Roman Catholic separate school supporter or who is a Roman Catholic and the wife or husband of such supporter and any person entitled to be a separate school elector under *The Separate Schools Act*.

R.S.O. 1970,
c. 430

APPLICATION OF ACT

2.—(1) Notwithstanding any other general or special Act, ^{Application of Act} but subject to subsection 2, this Act applies to and governs all elections,

(a) to the offices of,

- (i) member of the council of a municipality,
- (ii) member of the council of a regional municipality where such office is required to be filled by a vote of the electors of an area municipality,
- (iii) trustee of a police village,
- (iv) member of a local board whose members are to be elected at elections required by law to be conducted by the same officers and in the same manner as elections of members of the council of a municipality;

(b) to obtain the assent of electors on any by-law required or authorized by law to be submitted for their assent at an election; and

(c) to obtain the opinion of the electors on any question required or authorized by law to be submitted to the electors at an election except a question under *The Liquor Licence Act*.

R.S.O. 1970,
c. 250

Application
to newly
created
regional
municipalities

(2) This Act does not apply to the first elections of the members of the council of a regional municipality or an area municipality therein or of the local boards thereof where the Act creating the regional municipality otherwise provides.

ELECTION OFFICIALS

Returning
and
revising
officer

3.—(1) Subject to subsections 2 and 3, the clerk of a municipality is the returning officer and revising officer for the purpose of the conduct of elections within the municipality or a part thereof.

Returning
officer in
police
village

(2) For the purpose of elections of trustees of a police village, the clerk of the municipality in which the police village is located shall be the returning officer for the election and where the police village is located in two or more municipalities,

- (a) the nominations for trustees shall be filed with the clerk of the municipality having the largest number of electors of the police village who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates; and

- (b) the clerk of each other municipality in which part of the police village is located shall be the returning officer for the vote to be recorded in his municipality and he shall forthwith report the vote recorded to the returning officer referred to in clause *a* who shall prepare the final summary and announce the vote.

(3) The clerks of municipalities to which subsections 21, 25 and 27 of section 38 of *The Secondary Schools and Boards of Education Act* and subsections 19 and 21 of section 90 of *The Separate Schools Act* apply shall perform the duties as returning officers for the purposes of an election under this Act as are specified in those provisions. Clerks, duties in relation to school boards
R.S.O. 1970, cc.425, 430

4.—(1) The clerk of every municipality shall for the purposes of an election appoint a deputy returning officer and a poll clerk for each polling place established in the municipality and, as far as is practicable, the deputy returning officers and poll clerks shall be appointed for polling places for the polling subdivisions in which they reside. D.R.O. and poll clerk

(2) If a deputy returning officer or poll clerk signifies to the clerk that he will not act, the clerk shall appoint another person to act in his place. Where unable to act

(3) If a deputy returning officer or poll clerk does not attend at the opening of the poll, the clerk shall appoint another person to act in his place. Non-attendance of D.R.O., poll clerk

(4) If a deputy returning officer through illness or for any other reason becomes unable to perform his duties on polling day, the poll clerk shall perform his duties and exercise all his powers unless the clerk appoints some other person as deputy returning officer for the polling place. Poll clerk to act for D.R.O.

(5) The clerk may appoint election assistants, assistant returning officers, and assistant revising officers to assist him in the performance of his duties and provide for such clerical and other assistance as is necessary for such purpose. Assistants

(6) The poll clerk and an election assistant, if any, shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders. Duties of poll clerk

(7) Every deputy returning officer, poll clerk, election assistant, assistant returning officer, assistant revising officer, scrutineer, constable and other person authorized to attend at a polling place shall, before entering upon his duties, take and subscribe an oath in the prescribed form. Oath

Oath of
D.R.O.

(8) The appointment and oath of the deputy returning officer under subsection 7 shall be endorsed upon or attached to the poll book for the polling place for which he is appointed.

Who may
administer
oaths

5.—(1) Except where otherwise provided, an oath may be administered by any person authorized by law to administer oaths in the Province of Ontario.

Idem

(2) The clerk may administer any oath required by this Act, and deputy returning officers and poll clerks may administer any such oath except an oath to be taken by the clerk.

No charge

(3) Every person administering an oath under or for the purposes of this Act shall administer the oath gratuitously.

Scrutineers
appointed by
candidate

6.—(1) Each candidate may appoint such number of persons who are at least sixteen years of age as he considers advisable as scrutineers to represent him in a polling place and at the counting of votes under this Act.

Limit on
number
present

(2) Not more than one scrutineer representing each candidate may be present for any of the purposes specified in subsection 1 at any time.

Scrutineers
appointed
by council

7.—(1) The council of a municipality may, if requested to do so, by resolution appoint as scrutineers in relation to voting on any by-law or question submitted to the electors at an election two persons to attend at the final summing up of the votes by the clerk and two persons to attend at each polling place, one such person in each case on behalf of the persons interested in and desirous of promoting the proposed by-law or voting in the affirmative on the question and the other such person on behalf of the persons interested in and desirous of opposing the proposed by-law or voting in the negative on the question.

Production of
appointment

(2) A person appointed as a scrutineer under this section before being admitted to a polling place shall, if so requested, produce and show his appointment to the deputy returning officer for the polling place.

COSTS OF ELECTION

Cost of
election

8.—(1) Except where otherwise specifically provided by this or any other special or general Act, the cost of an election shall be borne by the municipality in which it is held.

Expenses
of officers

(2) The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot paper, and balloting compart-

ments, and for the transmission of packets, and reasonable fees and for allowances for services rendered under this Act or otherwise on account of an election shall be paid by the treasurer of the municipality to the persons entitled thereto.

(3) Where the clerk of a municipality is required to conduct an election of members of a local board other than at a regular election, the board shall forthwith after its organization reimburse the treasurer of the municipality for the cost of employing deputy returning officers, poll clerks and other election officials and for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places for nomination and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable costs including the cost of printing and distribution of but not preparation otherwise of the polling list.

Expenses of
by-election
of local
board

TERM OF OFFICE

9.—(1) Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be two years, commencing on the first day of January in the year following an election year.

Two-year
term

(2) The holders of offices hold office until their successors are elected and the newly elected council or local board is organized.

Until new
council
organized

BIENNIAL ELECTIONS

10.—(1) Subject to subsections 2 and 3, an election shall be held in accordance with this Act in each municipality in the year 1972 and in every second year thereafter for the purpose of electing persons to offices.

Election
year

(2) Where the term of office of a member of a council or of a local board terminates at the end of the year 1973, no election shall be held under this Act for that office in the year 1972, but an election for such office shall be held in accordance with this Act on the first Monday in December, 1973, and the persons elected at such election shall be elected for the year 1974 only.

Where
present
term
terminates
in 1973

(3) Where the term of office of a member of a council or of a local board elected before the coming into force of this Act terminates at the end of the year 1974, no election shall be held for that office in the year 1972.

where
present
term
terminates
in 1974

Vote on
question,
etc.

(4) Where a by-law requires the assent or a question is authorized or required to be submitted to obtain the opinion of the electors, the vote thereon shall be taken at the next regular election unless otherwise provided by order of the Ontario Municipal Board.

POLLING DAY

Polling
day

11. Polling day in a regular election shall be the first Monday in December in each election year.

QUALIFICATION OF ELECTORS

Electors,
resident

12. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and if, at any time during the period of enumeration under section 18, he is,

- (a) resident in such municipality;
- (b) a Canadian citizen or other British subject; and
- (c) of the full age of eighteen years.

Non-
resident

13. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and is not resident in such municipality at any time during the period of enumeration under section 18 but is at any time during such period,

- (a) the owner or tenant of land in the municipality or the spouse of such an owner or tenant;
- (b) a Canadian citizen or other British subject; and
- (c) of the full age of eighteen years.

Evidence of
citizenship

14. For the purpose of sections 12 and 13, a statutory declaration by a person claiming that he is a Canadian citizen or other British subject is *prima facie* proof of the fact declared to.

QUALIFICATION OF ELECTORS TO VOTE ON MONEY BY-LAWS

Who may
vote on
money
by-laws

15. Every person entitled to be an elector in a municipality under section 12 or 13 is entitled to be an elector to vote on a money by-law submitted for the assent of the electors of the municipality if, he is,

- (a) the owner of land assessed in the municipality; or
- (b) the tenant of land assessed in the municipality under a lease which extends for the time for which the debt or liability to be created or in which the money to be raised by the proposed by-law is payable or for twenty-one years and under which he covenants to pay all municipal taxes in respect of the land other than local improvement rates and he makes and files with the clerk not later than the last day for making complaints for revision of the preliminary list a declaration stating that he is such a tenant.

16.—(1) A corporation that is the owner of land assessed in a municipality on the last assessment roll or is a tenant of such land under a lease that complies with the requirement of clause *b* of section 15 is entitled to nominate a person who is qualified to be an elector under section 12 or 13, to be an elector to vote on a proposed money by-law submitted for the assent of the electors of the municipality. Corporate
nominee

(2) A corporation that is the owner of residential property in a municipality consisting of units or apartments that are owned on a co-operative basis may nominate a person who is qualified to be an elector under section 12 or 13, to be an elector to vote on proposed money by-laws submitted for the assent of the electors in the municipality for each such unit or apartment that is separately assessed on the latest assessment roll for the municipality. Idem

(3) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a proposed money by-law, it shall, not later than the day for filing complaints for the revision of preliminary lists as hereinafter provided, file with the clerk of the municipality an appointment in writing of a person to vote on a proposed money by-law as its nominee and on its behalf. Appointment
to be filed

POLLING SUBDIVISIONS

17.—(1) Subject to the provisions of subsection 2, the clerk shall divide the municipality into polling subdivisions and shall not later than the first day of June in an election year inform the assessment commissioner of the boundaries of each subdivision. Polling
subdivisions

(2) A polling subdivision shall not, Size

- (a) so far as is practicable, contain more than 350 electors; or

- (b) extend beyond the boundaries of one ward or of an electoral district established for the purposes of the election of members to the Assembly.

PREPARATION OF PRELIMINARY LIST OF ELECTORS

Preliminary
list of
electors

18. An assessment commissioner shall, during the period commencing on the Tuesday following the first Monday in September and ending on the second Tuesday of October in an election year, from an enumeration taken during that period, compile for each polling subdivision in each municipality and locality in his assessment region a list containing the name and address of each person who during such period meets the requirements for an elector under section 12 or 13 and such list shall signify opposite the name of an elector,

- (a) who does not reside in the municipality, that he does not so reside;
- (b) who is enumerated as a Roman Catholic separate school supporter, that he is a separate school elector;
- (c) who is a Roman Catholic and the spouse of a Roman Catholic separate school supporter, that such spouse is a separate school elector;
- (d) who is enumerated as a separate school elector in accordance with *The Separate Schools Act*, that he is a separate school elector;
- (e) who is an owner or tenant of land in the municipality, that he is such an owner or tenant.

R.S.O. 1970,
c. 430

For polling
subdivision
where no
wards

19.—(1) In a municipality or locality that is not divided into wards, the name of an elector shall be entered on the preliminary list,

- (a) for the polling subdivision in which the elector resides; or
- (b) if the elector does not reside in the municipality or locality, for the polling subdivision in which he or his spouse is owner or tenant of land.

For one
polling
subdivision
only

(2) The name of an elector shall not be entered under this section on the preliminary list for more than one polling subdivision.

For polling
subdivision
where wards

20.—(1) In a municipality that is divided into wards, the name of an elector shall be entered in the preliminary list,

- (a) where he resides in the municipality, for the polling subdivision in which he resides; or
- (b) where he does not reside in the municipality, for a polling subdivision of a ward in which he or his spouse is the owner or tenant of land.

(2) The name of an elector shall not be entered under this section on the preliminary list for more than one polling subdivision ^{For one polling subdivision} subdivision.

21. The assessment commissioner shall deliver the list of electors prepared by him under sections 18, 19 and 20 to the clerk and, in respect of a locality, to the secretary of the school board on or before the second Tuesday of October in an election year. ^{List delivered to clerk}

PRELIMINARY LIST OF ELECTORS

22. Immediately after receipt of the list of electors from the assessment commissioner, the clerk shall cause the list to be printed or reproduced and such list shall be the preliminary list of electors. ^{Printing of list}

REVISION OF PRELIMINARY LIST OF ELECTORS

23.—(1) Immediately after the printing or reproduction of the preliminary list of electors, the clerk shall, ^{Revision of list}

- (a) fix the last day for filing with the clerk complaints for revision of the list for the purpose of making additions or corrections to or deletions from it and the places at which and the times when revision of the list will be commenced;
- (b) post one copy of the list in a conspicuous place in his office and one copy of the list for each polling subdivision in a conspicuous place in the polling subdivision for which it is prepared; and
- (c) publish notice in a newspaper having general circulation in the municipality, of the date of the posting of the list, the last day for filing complaints, and the places and times at which the revision of the list will be commenced and, where there is no such newspaper, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

(2) The day of posting copies of the preliminary list and of publishing the notice under subsection 1 shall be at least eight days before the last day for filing complaints. ^{Time for posting}

Notice
affixed
to list

(3) The clerk shall affix to the outside or cover of each copy of the preliminary list of electors for an election a notice in prescribed form, over his name,

- (a) stating that the list is a preliminary list of all electors for the election prepared as required by this Act;
- (b) setting forth the date on which the list was posted up in the office of the clerk;
- (c) giving notice to all electors to examine the list for the purposes of making additions or corrections to or deletions from the list; and
- (d) stating the last day for filing complaints concerning such additions, corrections or deletions.

Copies
of list

(4) At the time of posting a notice under subsection 1, the clerk shall deliver or mail one copy of the preliminary list to,

- (a) the assessment commissioner;
- (b) every member of the council of the municipality and every trustee of a police village all or part of which is in the municipality;
- (c) the secretary of every local board the members of which are required to be elected at an election to be conducted by the clerk;
- (d) the clerk of the council of the county or of the district, regional or metropolitan municipality in which the municipality is situate;
- (e) the clerk of the municipality responsible for conducting the elections in any combined area for school board purposes;
- (f) the member of the House of Commons and the member of the Assembly representing the electoral district in which the municipality or any part thereof is situate.

Candidates
entitled
to copies

(5) Every candidate for any office in an election is entitled to be furnished by the clerk with two copies of the preliminary list of electors entitled to vote in an election to such office.

Revision
of list

24.—(1) The clerk or an assistant revising officer shall attend at the revision of the preliminary list and shall con-

tinue to do so from day to day or as required until all complaints filed before the last day for filing complaints for revision of the list have been disposed of.

(2) Notwithstanding that the time for filing complaints for revision of the preliminary list under section 23 has not expired, the clerk may proceed to consider such complaints as from time to time may be received and may determine and dispose of them. When complaints may be considered

25.—(1) A person whose name has not been included in the preliminary list for a polling subdivision in a municipality or whose name has been included therein but the information relating to him set out therein is incorrect or whose name has been included therein as a non-resident and who is qualified to be an elector in more than one ward in the municipality may, personally or by his agent, apply to the clerk or assistant revising officer of the municipality on or before the date fixed by the clerk as the last day for filing complaints for revision of the list to have his name included on the list or to have such information corrected or to have his name deleted from the list and to have it entered in the list of another ward in which he or his spouse is the owner or tenant of land. Application to enter name in list or correct information

(2) Every person applying under this section shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk or assistant revising officer at the applicant's request, and before entering his name on the list or before correcting the preliminary list, as the case may require, the clerk or assistant revising officer shall satisfy himself that the applicant understands the effect of the statements in the application and that he is an elector entitled to have his name included on the list or to have the list corrected pursuant to his request. Application form

(3) When the language of an applicant under this section is not understood by the clerk or assistant revising officer, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused. Interpreter

(4) If it appears to the clerk or assistant revising officer that an applicant under this section understands the effect of the statements in the application and that the applicant is an elector whose name should be included in the polling list or that the amendment thereof that he requests should be made, he shall certify accordingly by signing the application. Decision to amend list

Refusal to
amend list

(5) If, in the opinion of the clerk or assistant revising officer, the statements made by an applicant in his application under this section do not show that the applicant is an elector entitled to have his name included in the polling list or to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.

Application
for deletion
of name

26.—(1) At any time after the posting of the preliminary list of electors for a municipality and until the last day for filing complaints for revision thereof, any person may file with the clerk a complaint, in the prescribed form, for deletion from the list of the name of a person who is not entitled as an elector to have his name entered thereon.

Notice to
person
where name
objected to

(2) The clerk, upon receipt of a complaint under this section, shall forthwith cause to be served personally on or sent by registered mail to the person concerning whom the complaint is made at the address given in the preliminary list and at such other address, if any, as may be mentioned in the complaint, a notice requiring such person to appear in person or by his representative before him on a day to be fixed in the notice.

Copy of
complaint to
be served

(3) A copy of the complaint shall accompany a notice served or sent under this section.

Decision of
clerk, etc.

(4) On the day for the hearing fixed in a notice given under this section, the person filing the complaint shall attend before the clerk or assistant revising officer and establish to his satisfaction the validity of such complaint and the clerk or assistant revising officer after receiving an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the complaint was made, may delete the name from the preliminary list if he is satisfied of the validity of the complaint.

Where person
objected to
does not
appear

(5) Where the person concerning whom a complaint has been made under this section does not attend before the clerk or assistant revising officer on the day of hearing fixed in the notice and the clerk or assistant revising officer is satisfied that due notice of complaint has been given to the person or that he could not be found and the registered notice could not be delivered, the clerk or assistant revising officer may delete the name of such person from the preliminary list of electors but shall not do so except upon evidence under oath which satisfies him that the name should not have been included in the list.

27. Subject to section 31 or 54, the decision of the clerk or assistant revising officer to enter on or delete the name of a person as an elector from the preliminary list of electors is final for the purposes of this Act. ^{Decision final}

28. Upon determination of all complaints for revision of the preliminary list of electors for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of additions and changes to and deletions from the list and shall send a copy of such statement so certified to each person specified in subsections 4 and 5 of section 23 ^{Statement of changes}

POLLING LIST

29.—(1) After compilation of the statement of additions, changes and deletions required under section 28, the clerk shall prepare the polling list of electors for each polling subdivision in his municipality by making the appropriate changes in the preliminary list in accordance with the statement and shall certify the list as so revised ^{Polling list}

(2) The clerk shall, in preparing the polling list of electors under subsection 1, enter after the name of every elector who is a tenant and who has filed a declaration under section 15 that he is entitled to be an elector to vote on a money by-law the words "Entitled to vote on the by-law" and an elector shown as a tenant on the list without such words added after his name is not entitled to vote on the by-law. ^{Tenants entitled to vote on by-law}

(3) Where a corporation has appointed a nominee to vote on its behalf on a proposed money by-law in accordance with section 16, the clerk shall enter the name of the nominee in the polling list for the polling subdivision in which the corporation has its chief office in the municipality as a nominee of a corporation entitled to vote on the by-law in such polling subdivision and such nominee shall be deemed to be an elector so entitled to vote. ^{Nominee of corporation entered in list}

30. Except as provided in sections 31, 49 and 54 no person is entitled to vote at an election unless his name appears on the polling list certified under section 29 for the polling subdivision in which he tenders his vote. ^{Only persons on list entitled to vote}

31.—(1) If a person whose name is omitted from a polling list certified under section 29, at any time after preparation of the polling list and prior to the closing of the poll, satisfies the clerk of the municipality on oath that he was during the period of enumeration entitled to be an elector under section 12 or 13 and to have his name entered on a polling list for a polling subdivision in the municipality, the clerk may issue a ^{Entry of name on list by D.R.O.}

certificate in the prescribed form authorizing the deputy returning officer for such polling division to enter the name of the elector on the polling list for the subdivision and to permit such person to vote, but such vote must be cast before the closing of the poll.

Idem

(2) Where the name of a person is omitted from the polling list as finally revised and such person was during the period of enumeration otherwise qualified to be entered on the polling list except that he was not a Canadian citizen or other British subject or of the full age of eighteen years, if such person produces for the inspection of the clerk,

(a) where he was not a Canadian citizen or other British subject, his certificate of naturalization or other conclusive evidence that he has become a Canadian citizen or other British subject; or

(b) where he was not eighteen years of age, his birth certificate or other conclusive evidence that he has become eighteen years of age,

the clerk may issue a certificate authorizing the proper deputy returning officer to enter the name of such person on the polling list to entitle him to vote as if his name had been entered thereon before the list was revised.

Certificate
to be
produced

(3) A person is not entitled to vote under this section unless at the time he requests a ballot he produces and files with the deputy returning officer the certificate given by the clerk under subsection 1.

Copy to
assessment
commis-
sioner

(4) The clerk shall furnish a copy of each certificate issued under this section to the assessment commissioner.

NOMINATIONS

Who may be
nominated

32. Any person who is qualified to hold an office under the Act constituting the office may be nominated as a candidate for such office.

Nomination
day

33.—(1) Nomination day for a regular election shall be Monday, the twenty-first day before polling day.

Period for
nomination

(2) The period during which candidates in an election may be nominated shall be the four days immediately preceding nomination day and until 5 o'clock in the afternoon of nomination day.

Notice of
nomination
period

(3) The clerk shall publish, at least six days prior to the commencement of the period during which candidates in an

election may be nominated, notice of the time of commencement and closing of such period and of the offices for which candidates in the election may be nominated in a newspaper having general circulation in the municipality and, where there is no newspaper having a general circulation in the municipality, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

34.—(1) A candidate may be nominated for an office by the ^{How} ^{nominated} filing, during the period in which candidates may be nominated, in the office of the clerk during his normal office hours of a nomination paper in prescribed form, which,

- (a) shall be signed by at least ten electors whose names are entered in the polling lists of electors entitled to vote in an election to such office;
- (b) shall state the name, occupation and address of the candidate in such manner as will identify him and the office for which he is nominated; and
- (c) shall state the name and address of each elector signing the nomination paper and, where the office for which the candidate is nominated is a member of a school board, that such nominator is a public school elector or a separate school elector, as the fact is.

(2) No nomination is valid unless there is filed with the ^{Consent and} ^{declaration} ^{to be filed} nomination paper a consent in writing to the nomination and a declaration of qualification in the prescribed form by the person nominated.

(3) A nomination paper nominating a candidate for an office ^{Public} ^{school} ^{nominators} the holder of which is required to be elected by public school electors shall be signed by public school electors only.

(4) A nomination paper nominating a candidate for an office ^{Separate} ^{school} ^{nominators} the holder of which is required to be elected by separate school electors shall be signed by separate school electors only.

(5) Each candidate for election to an office shall be ^{Separate} ^{nomination} ^{papers} nominated by a separate nomination paper, but an elector may sign the nomination papers of different candidates.

(6) After a nomination paper is filed with the clerk it shall ^{Clerk} ^{to keep} ^{nomination} ^{paper} remain in the possession of the clerk.

(7) The onus is on the person nominated for election to an ^{Onus on} ^{person} ^{nominated} office to file a *bona fide* nomination paper.

Endorsation
by clerk

35.—(1) Where a nomination paper is filed in the office of a clerk, the clerk or his assistant returning officer shall endorse upon it the date and time of its filing.

Certificate
of clerk

(2) Where a nomination paper for a candidate for an office is filed in the office of a clerk prior to nomination day, the paper shall forthwith be examined by the clerk and, if he is satisfied that the requisite number of the nominators whose signatures appear on the nomination paper are electors entitled to vote for the office, he shall so certify in writing.

Posting

(3) As the nomination papers are certified by the clerk he shall cause the name, occupation and address of each candidate nominated and the office for which the candidate is nominated to be posted up in his office or other conspicuous place open to inspection by the public.

Where
filed on
nomination
day

(4) Where the nomination paper for a candidate for an office is filed in the office of a clerk on nomination day and before the time fixed for the close of nominations,

(a) the clerk shall accept the nomination paper and cause the name of the person nominated to be posted up in accordance with subsection 3;

(b) if, on examination of the nomination paper prior to 5 o'clock in the afternoon on the day following nomination day, it appears to the clerk that the requisite number of nominators whose signatures appear on the nomination paper are not electors entitled to vote for the office, he shall reject the nomination and give notice of the rejection immediately by registered mail to the person nominated and all candidates for that office, but if he is satisfied that the nominators meet such requirements, he shall so certify in writing.

Certification
by clerk

(5) Certification by the clerk in accordance with subsection 2 or 4 with respect to a nomination paper shall be conclusive evidence of the facts certified.

List of
candidates

(6) The clerk shall establish and maintain in his office a list setting out the name and residence of every candidate whose nomination has been certified under this section for the respective offices for which candidates may be nominated in the order of certification and copies of this list shall be prominently displayed in one or more locations immediately prior to the time fixed for the closing of nominations.

DEATH OF A CANDIDATE

36. If as a result of a candidate nominated for election to an office dying before the close of the poll for the election, ^{Election on death of candidate}

- (a) a person would be elected by acclamation to such office, the election to such office is void and a new election shall be held to fill such office; or
- (b) no person would be elected by acclamation to such office, the name of the deceased candidate shall be omitted from the ballots or if the ballots have already been printed, the clerk shall cause notice of the death of the candidate to be posted up in a conspicuous place in every polling place and the election shall be proceeded with as if the deceased candidate had not been nominated.

WITHDRAWAL OF NOMINATIONS

37.—(1) A person nominated as a candidate in an election may withdraw his nomination by instrument in writing, verified by his affidavit and delivered to the clerk before 5 o'clock in the afternoon of the day following nomination day. ^{Withdrawal of nomination}

(2) Where a person has been nominated for more than one office, he may withdraw in respect of one or more offices for which he is nominated by filing his withdrawal in writing with the clerk in his office before 5 o'clock in the afternoon of the day following nomination day and in default he shall be deemed to be nominated for the office for which he was first nominated and to have withdrawn his nomination for any other office. ^{Where nominated in more than one office}

ACCLAMATIONS

38.—(1) If no more candidates are nominated for any office than the number to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare that candidate or those candidates duly elected. ^{Acclamation}

(2) If more candidates are nominated for an office than the number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare the remaining candidate or candidates to be duly elected. ^{Idem}

Vacancy (3) If the number of candidates declared to be elected to an office under subsection 1 or 2 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy.

Where quorum not elected (4) Where in any election the total number of members of the council of a municipality or of a local board, as the case may be, declared elected under this section and those elected as a result of the poll in the election is less than a quorum of the council or of the local board, the council or local board in office for the preceding year shall continue in office until a new election under subsection 3 is held and the number of members of the council or local board equals or exceeds the quorum.

NOTICE OF POLL

Poll required **39.**—(1) Where more candidates are nominated for election to an office than the number required to fill that office, the clerk shall hold a poll to elect the holder of that office.

Notice of poll (2) Notice of the time for the holding of the poll in an election, including the advance poll, shall be given by the clerk forthwith after it has been determined that a poll is required, by publishing in a newspaper having general circulation in the municipality and where there is no such newspaper, the notice shall be published in such manner as the clerk may direct, and shall be posted in at least two conspicuous places in the municipality.

VOTING BY BALLOT

Voting by ballot **40.**—(1) Where a poll is held in an election, the votes shall be given by ballot in prescribed form.

Voting machines (2) In place of using ballot papers under this Act, with approval of the Minister, the council of a municipality may by by-law authorize the use at an election of voting machines for one or more polling subdivisions.

PREPARATION AND FORM OF BALLOT

Ballots **41.**—(1) A clerk who is required to hold a poll under section 39 shall prepare and cause to be printed a sufficient number of ballots in the prescribed form for use in the election.

Nomination of candidate must be certified (2) The name of a person shall not be included in a ballot as a candidate for office unless his nomination as a candidate for such office has been certified by the clerk under section 34.

(3) Subject to subsection 5, the names of the candidates shall be shown on a ballot in order of their surnames alphabetically arranged, with given names preceding the surnames, and with the surnames in bold type and the occupation of the candidate shall be stated. Order of names

(4) Where there are two or more candidates for election to an office whose given and surnames and occupations are identical or so nearly identical as to create the possibility of confusion, the address of all candidates for election to such office shall be shown on the face of the ballot for such office immediately under their names and in sufficient detail as to identify each candidate. Where addresses to be shown

(5) Except as provided in subsection 4, no identification such as a title, honour, decoration or degree shall be included with any candidate's name on a ballot to be used in an election, but a name commonly called a nickname or any other name by which a candidate is commonly known may be used on the ballot as the name or part of the name of the candidate. Nicknames and titles

(6) There shall appear on the ballot to the right of each candidate's name a circle or a circular space suitable for the marking of the ballot. Space for indicating vote

(7) All ballots for election to the same office shall be of the same description and as nearly alike as possible and the names and occupations, and the addresses if given, of the candidates shall be in one colour and the remainder of the face of the ballot shall be another colour, but different colours may be used for ballots to be used for election to different offices. Ballots for same office to be alike

(8) A ballot may contain instructions as to the number of candidates for which a voter may vote in the following words: "You are entitled to vote for candidates for this office". Number for which vote may be given

(9) The ballot papers for voting to obtain the assent or the opinion of electors on any by-law or question shall be in the prescribed form. Ballots re questions

42.—(1) For an election in a municipality in which the members of council are elected by wards, there shall be prepared one set of ballots for all the polling subdivisions containing the names of the candidates for the office of mayor, another set for all the polling subdivisions containing the names of the candidates for the office of reeve, or reeve and deputy reeve, and another set for each ward containing the names of the candidates for the office of alderman or councillor for the ward. Wards in municipality

General
vote in
city or town

(2) For an election in a city or town in which the members of council are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballots containing the names of the candidates for the offices of mayor, or mayor and reeve, or mayor, reeve and deputy reeve, and another set containing the names of the candidates for the office of alderman or councillor.

Borough in
Metro.
Toronto

(3) For an election in a township that constitutes a borough within The Municipality of Metropolitan Toronto, one set of ballots shall be prepared for all the polling subdivisions containing the names of the candidates for the office of mayor, another set of ballots for all the polling subdivisions containing the names of the candidates for the office of controller and another set for each ward containing the names of the candidates for the office of alderman.

Village or
township

(4) For an election in a village or township there shall be prepared one set of ballots containing the names of the candidates for the office of reeve or of reeve and deputy reeve, and for the office of councillor.

By-law
providing
for separate
sets

(5) The council of a town may by by-law provide that the ballots for an election to the offices of mayor, reeve and deputy reeve shall be prepared in separate sets and, the council of a village or township may, by by-law provide that the ballots for an election to the offices of reeve, deputy reeve and councillor shall be in separate sets.

When to be
passed

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the election year than the first day of November and remains in force until repealed, and while in force the prescribed ballots shall be prepared accordingly.

Separate sets
for
controller,
local board,
by-laws, etc.

(7) There shall also be separate sets of ballots,

- (a) containing the names of the candidates for the office of,
 - i. controller,
 - ii. member of a local board,
 - iii. trustee of a police village, or
 - iv. member of the council of a regional municipality;
- (b) for obtaining the assent of the electors on any by-law or the opinion of the electors on any question required or authorized to be submitted to them at an election.

(8) Where more than one by-law or question is to be submitted to the electors at one election, all of such by-laws or questions may be placed on one ballot paper. More than one by-law, etc.

43.—(1) In place of using separate ballots under this Act, the council of a municipality may, by by-law passed and approved by the Minister prior to the first day of November in an election year, authorize the use at a municipal election of composite ballots in such form subject to subsections 1 to 8 of section 41, as the by-law prescribes. Composite ballots

(2) A composite ballot may contain,

Contents

(a) the names of candidates for the offices of member of council, member of a school board, member of a public utility commission or member of any other board, commission or body the members of which are required to be elected by the electors of the municipality or for any one or more of such offices; and

(b) any by-law or question authorized or required by law to be submitted to the electors for their assent or opinion.

(3) No elector shall be given a composite ballot containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

Not to be given to elector not entitled to vote for office on ballot

(4) A by-law passed under this section remains in force from year to year until repealed.

By-law in force until repealed

POLLING PLACES

44.—(1) Subject to section 45, the clerk shall provide for each election at least one polling place for each polling subdivision in a place that is most central or most convenient for the electors and is furnished with light and heat and such other accommodation and furniture as may be required, but the polling place may be provided outside the limits of the polling subdivision. Polling place

(2) Every polling place for an election in a municipality shall be situate in the municipality, except that where a polling subdivision in a township adjoins an urban municipality, the polling place for the polling subdivision may be within the limits of the urban municipality. Idem

(3) Every polling place shall be furnished with compartments in which voters may mark their ballots without other persons being able to see how they are marked and it is the duty of the clerk and the deputy returning officer respectively to Compartments

ensure that a sufficient number of compartments is provided at each polling place.

United subdivisions

(4) The clerk may unite two or more adjoining polling subdivisions and provide one polling place for the united subdivisions.

Additional places

(5) The clerk may provide such additional polling places in any polling subdivisions as are required having regard to the extent of the subdivision, the remoteness of any number of its voters from the polling place and number of voters that may conveniently vote at one polling place.

Designation of places

(6) Where there are two or more polling places in a polling subdivision, each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets at which the electors reside or that designate the properties in respect of which the electors are qualified to vote therein, or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be, and an elector is entitled to vote at the appropriate polling place designated accordingly.

Notice of location of polling place

(7) In municipalities having more than 5,000 electors, the clerk shall mail or cause to be delivered to each dwelling unit in the municipality a notice advising the elector or electors therein of the location of the polling place in which that elector or those electors is or are to vote.

Polling places in institutions

45.—(1) Where in a municipality there is situate a hospital or other institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or the armed forces of any member of the Commonwealth, or who are blind or deaf, a Workmen's Compensation hospital, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside, a polling place shall be provided in such institution or upon the premises, and for the purpose of polling, the institution shall be deemed to be a polling place, and every person resident in the institution who is entered on the polling list shall vote at such polling place.

Attendance upon patients to take vote

(2) Where a patient of such a hospital or other institution is bed-ridden or is unable to walk, it is lawful for the deputy returning officer and poll clerk with the candidates or their scrutineers to attend upon such person for the purpose of receiving his ballot, but no candidate or scrutineer shall be present where the ballot of any such voter is marked under section 61.

(3) When every person whose name is entered on the polling list for a polling place governed by this section has voted, the deputy returning officer for the polling place may close the poll at such polling place, but the vote cast at such polling place shall not be counted until after the close of the regular polling places. ^{Closing of poll}

SUPPLIES AND EQUIPMENT FOR POLLING PLACES

46.—(1) The clerk shall, before polling day, cause to be delivered to every deputy returning officer in his municipality, ^{Supplies for polling place}

- (a) a ballot box for his polling place;
- (b) a sufficient number of ballots to supply the electors on the polling list of his polling place;
- (c) a sufficient number of the prescribed directions for the guidance of voters for the purposes of the polling place;
- (d) the polling list and a blank poll book for the polling place;
- (e) all materials necessary for electors' to mark their ballots; and
- (f) such other materials as are prescribed.

(2) A ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballots can be deposited therein and cannot be withdrawn without unlocking the box. ^{Ballot box}

(3) When delivering the ballots for a polling place to a deputy returning officer the clerk shall certify the number of ballots so delivered and upon receiving them the deputy returning officer shall make a count of the ballots and forward the prescribed receipt therefor to the clerk, and shall keep the certificate for return to the clerk with the other documents required to be returned to him under section 76. ^{Clerk to certify number of ballots}

(4) Every deputy returning officer before opening the poll, or immediately after he has received the printed directions from the clerk if they were not received before opening the poll, shall cause them to be placarded outside the polling place and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. ^{Directions to be placarded}

WHERE AND HOW OFTEN ELECTORS MAY VOTE

Number
of votes
that
may be
given by
an elector

47. An elector whose name appears on the polling list for a polling subdivision or who presents a certificate to vote there under section 31, 48 or 54, is entitled to vote in an election in such subdivision in accordance with the following rules:

1. He is entitled to vote once only for one candidate for mayor, reeve or deputy reeve.
2. He is entitled to vote for as many candidates for controller as there are controllers to be elected but once only for each candidate.
3. Where the election of aldermen, councillors, trustees or members of local boards is by general vote, he is entitled to vote for as many candidates for such offices as there are candidates to be elected but once only for each candidate.
4. Where the aldermen, councillors, trustees or members of local boards are elected by wards, he is entitled to vote,
 - i. if resident in the municipality, in the polling subdivision in which he resides; or
 - ii. if not resident in the municipality, in the polling subdivision in which his name appears on the polling list,

for as many candidates for such offices as there are candidates to be elected for the ward but once only for each candidate.

5. Where the election is to the office of member of a school board to be elected by public school electors in a municipality or a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a public school elector is entitled to as many votes as there are members to be elected by the public school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.
6. Where the election is to the office of member of a school board to be elected by separate school electors

in a municipality or in a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a separate school elector is entitled to as many votes as there are members to be elected by the separate school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

7. An elector who is entitled to vote in respect of any by-law or question authorized or required by law to be submitted for the assent or opinion of the electors is entitled to vote once only with respect to such by-law or question.

48.—(1) Subject to subsection 2, at the request of a person whose name is entered on the polling list for a polling place in a municipality who has been appointed a deputy returning officer or poll clerk at another polling place, the clerk of the municipality shall give him a certificate that he is entitled to vote at the polling place at which he is stationed during the polling day. Voting of D.R.O. and poll clerk where employed

(2) No certificate shall be issued under this section entitling an elector in a municipality that is divided into wards to vote at a polling subdivision in a ward different from the ward in which the polling place at which the elector is otherwise entitled to vote is situate. Where municipality, divided into wards

(3) The clerk shall not give a certificate under this section until he has ascertained by reference to the polling list or to a certificate under section 31 that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling place at which the applicant is by the polling list or certificate under section 31 to be entitled to vote, and the person to whom the certificate has been given is not thereafter entitled to vote at such polling place. When certificate may be given

(4) The certificate shall designate the polling place at which the person is to be permitted to vote. Certificate

(5) The clerk shall keep a list in which he shall enter before he delivers a certificate under this section, List of certificates

- (a) the name and residence of the person to whom he gives the certificate;
- (b) the polling place at which the person is authorized to vote under the certificate;

- (c) the polling place at which the person appears by the polling list to be entitled to vote;
- (d) whether the certificate is granted to such person as deputy returning officer or poll clerk; and
- (e) if a certificate is refused, the name of the person applying for the certificate with the grounds of refusal,

and the list shall be open to inspection by any candidate scrutineer or elector.

Certificate
entitles
person to
vote

49.—(1) A person who produces a certificate given to him under section 48 is entitled to vote at the polling place designated therein, but the certificate does not entitle him to vote there unless he has been actually engaged there as a deputy returning officer or poll clerk during polling day.

Entry in
poll book

(2) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book opposite the name and residence of the person voting under the authority of a certificate, the words "Voted under Certificate".

Certificate
to be given
to D.R.O.

(3) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot.

To be kept
in envelope

(4) The deputy returning officer shall enclose all certificates to which this section applies in one envelope.

PROCEDURE AT POLL

Hours poll
to be
open

50. Every polling place shall be open for the purpose of taking the poll at every election from 11 o'clock in the forenoon until 8 o'clock in the afternoon of polling day.

When
D.R.O. to
attend poll

51.—(1) A deputy returning officer shall attend at the polling place for which he was appointed at least fifteen minutes before the hour fixed for opening the poll.

Counting of
ballots before
opening of
poll

(2) During the period of fifteen minutes before the opening of the poll, the scrutineers who are entitled to be present in a polling place during polling hours are entitled to inspect the ballots and all other papers, forms and documents relating to the poll.

Inspection,
sealing of
ballot box

52. A deputy returning officer shall, immediately before opening the poll at his polling place, show the ballot box to such persons as are present in the polling place, so that

they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 69.

53.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows: Duties of D.R.O. on tender of vote

1. He shall ascertain that the name of such person or a name apparently intended for it is entered on the polling list for the polling subdivision or that such person is entitled to vote under a certificate issued by the clerk pursuant to section 31 or 48.
2. He shall record or cause to be recorded by the poll clerk, in the proper columns of the poll book, the name and residence of such person.
3. If the deputy returning officer is satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote and if no candidate or scrutineer objects to voting by such person, the deputy returning officer shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it and shall deliver the ballot paper to such person.
4. If voting by such person is objected to by any candidate or scrutineer, the deputy returning officer shall enter the objection or cause it to be entered in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*" and the name of the candidate by or on whose behalf the objection was made and the deputy returning officer shall require such person to take the prescribed oath.
5. If the deputy returning officer is not satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote, although no candidate or scrutineer has objected, he may require such person to take the prescribed oath.
6. If such a person having been required to take the oath refuses to do so, the deputy returning officer

shall enter or cause it to be entered opposite the name of such person in the proper column of the poll book the words "*Refused to be sworn*" or "*Refused to affirm*" according to the fact and a ballot paper shall not be delivered to such person.

7. If such person takes the oath, the deputy returning officer shall enter or cause to be entered opposite such person's name in the proper column of the poll book the word "*Sworn*" or "*Affirmed*" according to the fact, shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it, and shall deliver the ballot paper to such person.
8. The deputy returning officer may, and upon request shall, either personally or through the poll clerk, explain to the elector as concisely as possible the mode of voting.

Disqualifica-
tion of
prisoners,
mentally ill,
etc.

(2) A person who on polling^{*} day is a prisoner in a penal or reform institution, or a patient in a mental hospital, or who has been transferred from a mental hospital to a home for special care as mentally incompetent is disqualified from voting at any election and no ballot shall be furnished to such a person.

Elector in
polling
place at
closing

(3) Every elector qualified to vote at a polling place who is inside the polling place at the time fixed for closing the poll is entitled to vote.

Entry of
name on
polling list
by D.R.O.

54.—(1) If a person representing himself to be an elector applies to a deputy returning officer at a polling place for a ballot and his name does not appear in the polling list or in a certificate issued under section 31 or 48 as entitled to vote at the polling place, he is entitled to have his name entered on such polling list and to receive a ballot and to vote if he takes a declaration in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer.

Idem

(2) The deputy returning officer shall enter or cause to be entered on the polling list and on the poll book the name of the elector and shall enter in the poll book a note of his having voted after being sworn as provided in subsection 1.

Where it
appears
person voted
in place
of elector,
etc.

55.—(1) Where an elector entitled to vote at a polling place applies for a ballot paper and it appears that another person has voted as such elector or that an entry has been made on the polling list in error that such elector has polled his vote, if such person takes an oath in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer he is entitled to receive a ballot paper.

(2) The deputy returning officer shall enter or cause to be entered on the poll book opposite the name of the elector who votes under this section a note of his having voted on a second ballot or of an entry having been made in the polling list in error that he has polled his vote, as the case may be. Entry in poll book

56.—(1) An elector who is required to take the oath is entitled to select any one of the prescribed forms of oaths, whatever may be the description in the polling list of the qualification or the character in which he is entered upon it. Form of oath

(2) No inquiry shall be made of an elector who is required to take the oath except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the polling list. Inquiry

57. Upon delivery to him of a ballot paper by a deputy returning officer, the person receiving it shall, Procedure on receipt of ballot

- (a) forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper with a cross or other mark with a pen or pencil within the circle or circular space to the right of the name of a candidate for whom he intends to vote;
- (b) then fold the ballot paper so as to conceal the names of the candidates and the marks upon the face of it and so as to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer.

58.—(1) Upon delivery of a ballot paper to him by an elector, the deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates or the marks made by the elector, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place, and the elector shall forthwith leave the polling place. Duty of D.R.O. on receipt of ballot

(2) A person whose ballot has been placed in the ballot box by the deputy returning officer shall be deemed to have voted. Person deemed to have voted

(3) The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for candidates for the office named in that column. Entry in poll book

Person not
to take
ballot
from polling
place

59.—(1) A person who has received a ballot from a deputy returning officer shall not take it out of the polling place, and a person who receives a ballot and leaves the polling place without returning it to the deputy returning officer, or returns his ballot declining to vote, forfeits his right to vote, and the deputy returning officer, shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot but took it out of the polling place, or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot and preserve it to be returned to the clerk.

Ballot
accidentally
spoiled

(2) An elector who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first-mentioned ballot and preserve it to be returned to the clerk.

No other
person in
compartment
while elector
marking
ballot

60. Subject to section 61, while an elector is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see how the elector marks his ballot paper.

Voter
incapacitated
by blindness,
etc.

61.—(1) On the application of any elector who is unable to read or is incapacitated by blindness or other physical cause from voting in accordance with the other provisions of this Act, the deputy returning officer shall require the elector making the application to take an oath of his incapacity to vote without assistance, and shall thereafter assist the elector by marking his ballot in the manner directed by the elector in the presence of the poll clerk and of no other person and place the ballot in the ballot box.

Blind voter's
ballot
marked by
friend

(2) The deputy returning officer shall either deal with a blind elector in the manner provided in subsection 1 or, at the request of any blind elector who has taken the prescribed oath and is accompanied by a friend, shall permit the friend to accompany the blind elector into the voting compartment and mark the elector's ballot for him.

Oath of
friend

(3) Any friend who is permitted to mark the ballot of a blind elector under subsection 2 shall first be required to take the prescribed oath that he will keep secret the manner in which the blind elector voted.

May act
as friend
only
once

(4) No person shall be allowed to act as the friend of more than one blind elector at any polling place other than a polling place established under section 45.

(5) The deputy returning officer shall enter in the column ^{Entry in poll book} for remarks in the poll book opposite the elector's name the reason why the ballot was marked by him or by a friend of the elector.

62. Where the deputy returning officer does not understand the language of the elector, an interpreter provided by the elector may be sworn in the prescribed form to translate the necessary oaths as well as any lawful questions necessarily put to the elector and his answers, but in the event of inability to secure an interpreter, the elector shall be refused a ballot. ^{Voter who cannot understand English}

63. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate or, in his absence, his scrutineer, any scrutineer appointed by the council in relation to any by-law or question, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes. ^{Who may remain in polling place}

ADVANCE POLLS

64.—(1) The clerk shall hold an advance poll in accordance with this section on the Monday and Saturday, seven days and two days respectively, before polling day for the purpose of receiving votes of electors who expect to be unable to vote on polling day in the polling subdivisions for which their names appear on the polling lists or who are entitled to vote under a certificate issued by the clerk under section 31 or 54. ^{Advance poll}

(2) The advance poll shall be open from 11 o'clock in the forenoon until 8 o'clock in the afternoon on each of the two days it is held and polling shall be held so far as possible in the same manner as polling at a regular election. ^{When poll to be open}

(3) The clerk shall provide as many polling places for an advance poll as he considers necessary and shall appoint a deputy returning officer and poll clerk for each such polling place. ^{Polling places}

(4) Every person offering himself as a voter at a polling place for an advance poll shall be required by the deputy returning officer before being allowed to vote to make the prescribed declaration, which shall be kept by the deputy returning officer with the other records of the poll. ^{Declaration of elector}

(5) Forthwith after the close of the advance poll on each day it is held, the deputy returning officer shall make up and deliver to the clerk a list of the names of all persons who have voted showing in each case the number of the ^{List of persons voting}

polling subdivision in which the elector is entered on the polling list and the clerk shall, at the request of any candidate, furnish him with a copy of such list.

Duties of
clerk on
receiving
list

(6) Upon receiving the list mentioned in subsection 5, the clerk shall,

- (a) make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each elector whose name appears on such list and whose vote has been received at an advance poll, showing that such elector has voted; or
- (b) make a certificate in the prescribed form for each polling subdivision, showing the name and address of each elector listed on the polling list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate before the opening of the poll on polling day to the deputy returning officer of the polling subdivision, and the deputy returning officer shall before opening the poll make an entry on the polling list supplied to him, opposite the name of each elector whose name appears on the certificate, showing that such elector has voted.

Sealing
of box

(7) Forthwith after the close of the advance poll on each day it is held the deputy returning officer and any candidate or scrutineer present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals and the deputy returning officer shall forthwith deliver it personally to the clerk for safe keeping.

Opening of
ballot boxes
for advance
poll

(8) On the regular polling day for an election, after the close of polling, the deputy returning officer shall, in the presence of such candidates for office at the election and their scrutineers as are present at the hour fixed for the closing of the poll, open the ballot boxes for the advance poll, count the votes and perform all other duties required of deputy returning officers by this Act.

PROXY VOTING

Who may
vote by
proxy

65.—(1) Any person whose name is entered on the polling list for a polling subdivision and who is,

- (a) a person other than one described in section 45 and who is certified by a legally qualified medical practitioner, by certificate filed with the clerk, to be physically incapable of attending a polling place;

- (b) a person absent from his regular residence by reason of attending an educational institution and who is entered on the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day ; or
- (c) a person who expects to be absent from his polling subdivision during the election period including the advance poll and polling day by reason of his being engaged for hire or reward in the business of transportation by railway, air, water or motor vehicle,

may vote by proxy in that polling subdivision.

(2) Any person who is entitled to vote by proxy pursuant to subsection 1 may appoint in writing in the prescribed form as his voting proxy a person who is entitled to vote in the municipality in which the person voting by proxy is qualified to vote. Who may be proxy

(3) A voting proxy may not act as a voting proxy for more than one person voting by proxy except where the person voting by proxy is the child, grandchild, brother, sister, husband or wife of the voting proxy, in which case a voting proxy may act for more than one such person voting by proxy. May be proxy once only

(4) An appointment of a person as a voting proxy is not valid unless it is made after nomination day and does not remain in force after polling day. Term of appointment

(5) A person who has been appointed a voting proxy may apply to the clerk not later than 5 o'clock in the afternoon of the Tuesday preceding polling day to receive a certificate to vote by proxy for the polling subdivision in which the person appointing the voting proxy is entitled to vote. Application for certificate to vote by proxy

(6) The clerk shall take evidence on oath as to the right of the person appointing the voting proxy to vote in the polling subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the voting proxy is duly qualified and that the voting proxy is qualified to act for the person appointing him, he shall give a certificate in prescribed form across the face of the appointment of the voting proxy to that effect. When certificate to be given

(7) Not more than one voting proxy may be appointed on behalf of any person at any election. Not more than one proxy

Oath on
voting

(8) A ballot shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the clerk thereon as provided in subsection 6 and takes the prescribed oath.

Record of
voting proxy

(9) Where a voting proxy has voted, the deputy returning officer shall record in the poll book the fact that the person appointing the voting proxy voted by proxy and the name of the voting proxy, and shall file the appointment of the voting proxy and the certificate of his appointment given by the clerk with the election papers and return them to the clerk in the envelope provided for that purpose.

Proxy may
vote in
own right

(10) A person who has been appointed as a voting proxy is entitled to vote in his own right in the municipality notwithstanding that he has voted as a voting proxy.

KEEPING OF PEACE: INTERRUPTED ELECTIONS

Assistance of
constables

66. A clerk or a deputy returning officer may require the assistance of constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he considers necessary.

When
election not
commenced or
interrupted

67. If by reason of riot or other emergency the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the clerk or deputy returning officer, as the case may be, shall hold or resume the polling on the following day at 11 o'clock in the forenoon and continue the same from day to day, until the poll has been opened without interruption and with free access to voters for nine hours in all.

COUNTING THE VOTES

Duties of
D.R.O. after
close of poll

68. Immediately after the close of the poll, the deputy returning officer at each polling place shall,

- (a) place all the cancelled, declined and unused ballots in separate sealed envelopes;
- (b) count the number of electors whose names appear by the polling book to have voted and make an entry in the book on the line immediately below the name of the elector who voted last as follows:—"The number of electors who voted at this election in this polling place is (stating the number)" and sign his name thereto.

69.—(1) After compliance with section 68, the deputy returning officer shall, in the presence and in full view of the persons entitled to be present, open the ballot box for the polling place and proceed to count the numbers of votes for each candidate, giving full opportunity to those present to examine each ballot.

(2) In counting the votes, the deputy returning officer shall reject all ballots,

- (a) that have not been supplied by him;
- (b) that contain the names of candidates for one office only and in which votes have been cast for more candidates than are to be elected to the office;
- (c) that are separate ballots submitting a by-law for the assent or a question for the opinion of the electors, and votes are cast for both the affirmative and the negative on the by-law or question; or
- (d) upon which there is any writing or mark by which the elector can be identified, or that has been so torn, defaced or otherwise dealt with by the elector that he can thereby be identified,

but no word, letter, or mark written or made or omitted to be written or made by the deputy returning officer on a ballot voids it or warrants its rejection.

(3) Where a ballot contains the names of candidates for more than one office and votes are cast on such ballot for more candidates for any office than are to be elected to such office, such votes are void and shall be rejected, but unless such ballot is rejected under subsection 2, the votes for any other office in respect of which the elector has not voted for more candidates than are to be elected shall be counted.

(4) Where in a composite ballot,

Composite
ballots

- (a) votes are cast for more candidates for any office than are to be elected to such office; or
- (b) votes are cast for both the affirmative and negative on any by-law or question,

the votes for such candidates or with regard to the by-law or question, as the case may be, are void and shall be rejected but, unless such ballot is rejected under subsection 2, the votes for any other offices, by-law or question in respect of which votes are correctly indicated shall be counted.

Where part
of votes
rejected

(5) Where part of the votes cast in any ballot are rejected under subsection 3 or 4, the deputy returning officer shall note such fact on the back of the ballot and initial the note, and where all the votes on the ballot are rejected under either or both of such subsections, the ballot shall be treated as a rejected ballot.

Objection
by candidate,
etc.

70.—(1) A candidate or a scrutineer at a polling place may object to a ballot or to the counting of votes in any ballot in whole or in part on the ground that the ballot or such votes should be rejected under section 69 and the deputy returning officer at the polling place shall decide the objection, subject to review on a recount or in a proceeding questioning the validity of the election.

Objections to
be listed

(2) The deputy returning officer shall list all objections under subsection 1 to the counting of ballots or of votes therein and number such objections and shall place the number of an objection on the back of the ballot objected to and initial the number.

How votes
counted

71. The deputy returning officer shall count all votes cast at his polling place that are not rejected and shall keep an account of the number of votes so cast and allowed for each candidate and with respect to each by-law or question.

Ballots to
be placed
in separate
packets

72. Following count of the votes at his polling place, a deputy returning officer shall place in separate sealed packets,

- (a) all used ballots that have not been objected to and have been counted in whole or in part;
- (b) all used ballots that have been objected to but which have been counted in whole or in part;
- (c) all rejected ballots;
- (d) all ballots used but unmarked.

D.R.O. to
endorse
packets

73. The deputy returning officer shall endorse every packet of ballots made up by him under clause *a* of section 68 or section 72 so as to indicate its contents and any candidate or scrutineer present may write his name on the packet.

Oath of
poll clerk

74. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the prescribed oath.

STATEMENT AND MATERIALS RETURNED TO CLERK

75.—(1) The deputy returning officer shall make out a statement in duplicate of the number of, Statement of D.R.O.

- (a) ballots received from the clerk ;
- (b) votes given for each candidate ;
- (c) votes given for and against a by-law or question ;
- (d) used ballots that have not been objected to and have been counted ;
- (e) ballots that have been objected to in whole or in part but which have been counted ;
- (f) rejected ballots ;
- (g) cancelled ballots ;
- (h) ballots used but unmarked ;
- (i) declined ballots ;
- (j) unused ballots ;
- (k) voters whose ballots have been marked by the deputy returning officer under sections 45 and 61.

(2) One statement shall be attached to the poll book and the duplicate statement enclosed in a special packet shall be delivered to the clerk as provided herein. Statement attached to poll book

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their scrutineers as are present and desire to sign it. Statement signed by D.R.O., etc.

(4) The deputy returning officer shall deliver to such of the candidates or their scrutineers as are present, if requested to do so, a certificate of the number of ballots counted for each candidate, and of the rejected ballots. Certificate re ballots counted and rejected

76.—(1) The deputy returning officer shall place in the ballot box the poll book, the polling list, the packets containing the ballots and all other documents or packets that served at the election, except, What to be placed in ballot box

- (a) the duplicate statement ;
- (b) the oath of the poll clerk ; and
- (c) the oath of the person, if any, chosen to deliver the ballot box to the clerk.

Box to be
locked, etc.

(2) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it and the documents enumerated in subsection 1 personally to the clerk.

Oath of
D.R.O.

(3) Forthwith thereafter, the deputy returning officer shall take and subscribe the prescribed oath and shall personally deliver it or transmit it by registered mail to the clerk.

Delivery of
ballot box,
etc., to
clerk

(4) If the deputy returning officer is unable personally to deliver the ballot box and documents enumerated in subsection 1 owing to illness or other cause, he shall deliver them to the poll clerk for delivery to the clerk, or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering them to the clerk, who shall take the prescribed oath to do so and the deputy returning officer shall thereon, or on a ticket attached thereto, write the name of the person to whom the box was delivered and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver them to the clerk and shall take before him the prescribed oath.

Right of
candidate,
etc., to be
present

(5) The candidates, or their scrutineers, are entitled to be present when the ballot box and documents for a polling place are delivered to the clerk pursuant to this section.

D.R.O. not to
take box to
home, etc.

(6) A deputy returning officer, after the close of the poll, shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any house or place except the office of the clerk.

Clerk to add
up votes

77.—(1) The clerk, after he has received the ballot boxes and other documents referred to in section 76, shall, without opening any of the ballot boxes, cast up from the duplicate statements showing the number of votes for each candidate and for the affirmative or negative on any by-law or question at each polling place the total number of votes for each candidate and the total number of votes for the affirmative or negative on any by-law or question.

Declaration
of result

(2) After casting up the total number of votes cast at an election, the clerk shall, at the town hall or, if there is no town hall, at the clerk's office at noon on the Thursday following the day on which the polling is held, publicly declare to be elected the candidate or candidates having the highest number of votes, and declare the result of the vote with respect to any by-law or question and he shall also post up in some conspicuous place a statement under his hand showing the number of votes for each candidate and for the affirmative or negative on the by-law or question.

(3) If for any cause, the clerk cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, or for the affirmative or negative on any by-law or question he may adjourn to a future day and hour the adding up of the votes and so on from time to time, such adjournment or adjournments not in the aggregate to exceed fourteen days.

Delay in adding up votes

78.—(1) Except as provided in this section, the clerk, upon the receipt of a ballot box, and the documents referred to in section 76, shall take every precaution for their safekeeping and for preventing any other person from having access to them, and shall immediately on receipt of the ballot box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered.

Safekeeping of box and documents

(2) Where the documents specified in subsection 1 of section 76 are in error placed in the ballot box or where the duplicate statement cannot be interpreted by the clerk, he may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the meaning of the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the clerk and by the clerk.

Opening of box when documents placed in box in error

(3) If a deputy returning officer has not delivered the statement of the ballots counted by him to the clerk as required by section 76, the clerk shall after notification to the candidates or their scrutineers, who may be present, open the appropriate ballot box for the purpose of counting the votes and shall count the votes.

Where D.R.O. fails to deliver statement

79. If a ballot box for any polling place has been destroyed or lost, or, for any other reason, is not forthcoming by the time fixed for adding up the votes, the clerk shall ascertain the cause and, if the statement of the votes cast and certificates, or any of them or copies of them, cannot be procured, the clerk shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the polling place and for the affirmative or negative on any by-law or question, and may summon any deputy returning officer, poll clerk, election assistant or other person to appear before him at a time and place to be named by him, and the clerk shall notify the candidates of the intended proceedings and may examine on oath such deputy returning officer, poll clerk, election assistant or other person respecting the matter in question.

Where ballot box lost, etc.

80.—(1) If upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of

Equality of votes

such candidates cannot be elected, or the votes for the affirmative and negative on a by-law or question are equal, the clerk shall publicly declare the result and post up in a conspicuous place a statement showing the number of votes for each candidate and for and against the by-law or question and shall forthwith notify a judge of the result and the judge shall thereupon appoint a time and place to recount the votes cast up for such candidates or concerning such by-law or question.

Application
of ss. 81-88

(2) In such proceedings, sections 81 to 88 apply *mutatis mutandis*.

RECOUNT

Interpre-
tation

81.—(1) In this section and in sections 82 to 84, “judge” means the judge of the county or district court in which the municipality or part thereof or the administrative or head office of the local board is situate.

Where
recount
desirable

(2) If, within fourteen days after the declaration by a clerk of the result of an election, upon an application of a candidate or voter it is made to appear by affidavit to a judge that the votes have been improperly counted or any ballot paper has been improperly rejected or that an incorrect statement of the number of ballots cast for any candidate or for the affirmative or negative on any by-law or question has been made or that the votes have been improperly added up, and if within that time the applicant has given security for the costs in connection with the recount or final addition of any candidate declared elected in the amount of \$100 in legal tender, or if at any time within four weeks after such declaration the council of the municipality whose clerk was the returning officer has by resolution declared that a recount or final addition is desirable in the public interest, the judge shall appoint a time and place to recount or make a final addition of the votes cast at the election, and shall notify the clerk thereof.

Notice of
recount

(3) At least two days notice in writing of the time and place appointed shall be given by the clerk to the candidates and to the applicant, and the clerk or a person appointed by the clerk for the purpose shall attend the recount or final addition with the ballot boxes and all documents relating to the election.

Who may be
present

(4) The judge, the clerk, a person appointed by the clerk, each candidate and his scrutineer appointed to attend the recount or final addition, and such other persons as the council may appoint where the recount or final addition relates to a by-law or question, but no other person, except with the approval of the judge, is entitled to be present at the recount.

(5) Where a recount relates to the election of a candidate, the recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected or in other cases for the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or the votes cast for him to be finally added. What ballots involved in recount

(6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge conducting a recount or final addition of the votes cast at an election shall make such final addition from the statements returned to the clerk by the deputy returning officers, or recount all the ballots received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purposes of the recount open the sealed packets containing the used ballots that were not objected to and were counted, the ballots that were objected to but which were counted, the rejected ballots, the cancelled ballots, the ballots that were used but were unmarked, the declined ballots and the unused ballots. Procedure by judge

(7) Subject to subsection 8, the judge shall proceed according to the provisions of this Act for the counting of the ballots and of the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll. Rules to govern proceedings

(8) If for any reason it appears desirable to do so the judge, upon the application of any party to a recount, may hear such evidence as he considers necessary for the purpose of making a full and proper recount of the ballots, and, without restricting the generality of the foregoing, he may, if the recount results in any of the candidates for any office being declared to have received the same number of votes as any other candidate or candidates who were parties to the recount, hear such evidence as he considers necessary to determine who was elected to that office. Judge may hear any evidence necessary for proper recount

(9) Upon the completion of a recount all the ballots shall be sealed in their separate packets and upon completion of final addition, the statements shall be sealed in their respective packets and the judge shall certify the result of the recount or final addition to the clerk. Judge to certify recount to clerk

(10) The judge may require the clerk of the county or district court to be present at the time and place appointed. Clerk of court

82.—(1) The judge shall delay sending his certificate under section 81 to the clerk for two days after the completion of Time for sending certificate to clerk

the recount or final addition in order to allow for an appeal as provided in section 86.

If no appeal
clerk to
declare
result

(2) If no notice of appeal is given to the judge within two days after the completion of a recount or his final addition, the judge shall certify forthwith the result to the clerk who shall then declare the candidate having the greatest number of votes to be elected or certify to the council the result of the vote with respect to a by-law or question.

Equality of
votes after
recount
where one
person to be
elected

83. In the case of an equality of votes for candidates for any office for which one person only is to be elected, as a result of a recount or final addition, the successful candidate shall be determined by lot conducted by the clerk.

Costs of
recount

84.—(1) The costs of a recount under section 81 are in the discretion of the judge making the recount who may order by whom, to whom and in what manner the costs shall be paid.

Awarding
of costs

(2) The judge may in his discretion award costs of a recount or final addition to or against any candidate who is a party to it and may fix the amount thereof or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court.

Where no
provision as
to costs

(3) Where the judge makes no provision as to the costs of a recount or final addition, the disbursements made or authorized to be made by the clerk shall be paid by the municipality.

Payment of
deposit

(4) Where costs are directed to be paid by the applicant for a recount or final addition, the money deposited as security for costs under section 81 shall be paid out to the party entitled to such costs, so far as necessary.

Enforcement
of payment
of costs

(5) Payment of the costs awarded under this section may be enforced by execution to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them.

Expenses of
judge

(6) The judge is entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him for a recount or final addition.

Where no
appeal
documents,
etc., to be
returned
to clerk

85.—(1) Upon expiry of the time for appeal from a decision of a judge on a recount or final addition if no appeal has been

taken, the judge shall cause all the ballots to be sealed in their original packets and upon completion of final addition, shall cause the statements to be sealed in their respective packets and returned to the custody of the clerk.

(2) If an appeal is taken from the decision of a judge on a recount or final addition, the judge shall cause such of the ballots and such of the original statements as are not required for the purpose of the appeal to be sealed in their respective packets and returned to the custody of the clerk. Documents not required on appeal

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

86.—(1) Any party may appeal from the decision of the judge who conducted a recount or final addition other than a decision on a recount or final addition of votes in relation to any by-law or question, by giving notice in writing within two days after the completion of the recount or final addition to the other parties and to the judge of his intention to appeal, and he may by the notice limit the appeal to specified ballots. Appeal from decision of judge

(2) The notice may be served upon the other parties personally, or as a judge of the Supreme Court may direct. Service of notice

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall cause to be sealed the ballots or statements that are the subject of appeal in a separate packet and shall forward them, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited the judge shall forward all the ballots and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate under section 81 to the clerk. Ballots, etc., to be forwarded to Registrar of Supreme Court

(4) On receipt of the ballots and notice, the Registrar shall forthwith obtain an appointment from a judge of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed. Appointment for hearing

(5) At the time appointed, the judge of the Supreme Court shall recount the ballots or such of them as are the subject of appeal, or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it is to conform to the decision and to certify the result without delay to the clerk. Procedure on appeal

(6) The judge of the Supreme Court may direct by and to whom, the costs of the appeal shall be paid. Costs of appeal

Idem

(7) Where the judge of the Supreme Court makes no provision as to costs, the disbursements made or authorized to be made by the clerk, shall be paid by the municipality.

DISPOSITION OF ELECTION RECORDS

Disposition
of ballots

87.—(1) The clerk shall retain in his possession for ninety days from the date of the poll for an election all the ballots in the election and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a statutory declaration that they witnessed the destruction of them and such declaration shall be filed in the office of the clerk.

Disposition
of other
documents

(2) Subject to subsection 1, the clerk shall retain in his possession all oaths, nominations, qualification documents, statements of the votes cast, and other documents relating to an election until the successors to the persons elected at such election have taken office, and may then destroy them.

Inspection of
ballots, etc.

88.—(1) No person shall be allowed to inspect any ballot or other document relating to an election in the custody of the clerk except under the order of a judge.

Order of
judge

(2) The order may be made on the judge being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence, or corrupt practice, or of taking proceedings for contesting the election or return.

Production
of documents
by clerk

89. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballots so produced is evidence that the contents are what they are stated to be by the endorsement.

NEW ELECTIONS

New
election

90.—(1) Where a new election is required under the authority of this or any other Act to fill a vacancy in any office by an election other than a regular election, the clerk of the municipality who is the returning officer with whom nominations may be filed shall set the date of the nomination day which shall be within forty-five days of the day on which the vacancy for which he is required to hold the election occurs.

Procedure

(2) The procedure including the period for filing nominations at a new election shall be the procedure and period applicable

at a regular election of the municipality and polling day shall be not less than eighteen and not more than twenty-one days after nomination day.

(3) The polling required to fill a vacancy in an office by this ^{Polling} section shall so far as possible be held in the same manner and by the same officers and take place at the same places in so far as practicable at which the polling took place at the last regular election.

(4) Unless a new preliminary list of electors has been ^{List of electors} furnished by the assessment commissioner, under subsection 5, the preliminary list to be used for preparation of the polling list for a new election shall be the polling list used at the last regular election, which shall be subject to revision as if it were a preliminary list of electors under section 24 and to additions pursuant to a certificate of the clerk under section 31 and the clerk may fix the times and places for the making of complaints as to revision.

(5) Where in the year following an election year, the annual ^{Idem} enumeration under *The Assessment Act* has, prior to the holding ^{R.S.O. 1970, c. 32} of the new election, been completed for the municipality or municipalities in which the new election is to be held, the assessment commissioner shall, within fourteen days of a request by the clerk or clerks of such municipality or municipalities, furnish a new preliminary list of electors based on such annual enumeration and in accordance with the requirements of this Act pertaining to the preparation of such lists and such preliminary list shall for all purposes, including revision by the clerk, be the preliminary list of electors for the new election.

(6) Where a vacancy occurs in any office and an election is to ^{Eligibility of member to be candidate for other office} be held to fill such vacancy, a person holding any other office is not eligible to be a candidate for the vacant office unless he has, before the first day of the period during which nominations for the new election may be filed, filed with the clerk a certified copy of his resignation from the office that he then holds with evidence satisfactory to the clerk that such resignation has been filed as required by legislation governing the office that he then holds.

(7) Notwithstanding anything in this or any other general or ^{Vacancy after March 31st of election year} special Act, a new election shall not be held to fill a vacancy where the vacancy occurs after the 31st day of March of an election year.

91. Notwithstanding that a new election becomes necessary, ^{Council may meet notwithstanding vacancy} meetings of the council may be held if a quorum of the council is present.

EFFECT OF IRREGULARITIES

Irregularities
not to offset
result

92. No election shall be declared invalid,

- (a) by reason of any irregularity on the part of the clerk or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes or as to limitations of time; or
- (d) by reason of any mistake in the use of the prescribed forms,

if it appears to the court having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

SECRECY OF PROCEEDINGS

Secrecy of
proceedings

93.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

Interference
with
voter

(2) No person shall interfere or attempt to interfere with an elector when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how an elector is about to vote or has voted.

Communica-
tion as to
voting

(3) No person shall communicate any information obtained at a polling place as to how an elector at such polling place is about to vote or has voted.

Inducing
person to
show ballot

(4) No person shall, directly or indirectly, induce or attempt to induce an elector to show his ballot paper after he has marked it, so as to make known to any person how he has voted.

Voter not
to show
ballot

(5) Subject to section 61, an elector shall not show his ballot paper, when marked, to any person so as to make known how he voted.

No one com-
pellable to
disclose
his vote

(6) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted.

OFFENCES, PENALTIES AND ENFORCEMENT

94. Every person who, at an election,

Voting when
not qualified,
etc.

- (a) not being qualified to vote, votes; or
- (b) being qualified to vote, votes more times than he is authorized to vote by this Act; or
- (c) votes in a polling subdivision other than one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

95. Every person who,

Improper
voting by
proxy

- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
- (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the elector who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

96. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Wilful
miscount
of ballots

97. Every clerk, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Neglect of
duties

98. Every person who,

Offences
relating to
ballot
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;

- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper that is not a ballot, purports to be or is capable of being used as a ballot at an election; or
- (g) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

False
information
to authorized
persons

99. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Offences of
inducing un-
qualified
person to vote
or publishes
false state-
ment of with-
drawal of
candidate

100. Every person who,

- (a) induces or procures any person to vote knowing that that person has no right to vote; or
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Bribery;

101.—(1) Every person who,

bribing
elector or
procuring
bribery by
money

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any

elector having voted or refrained from voting at an election; or

- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any elector, or to or for any other person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at an election; or by gift or offer or promise of employment
- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any elector at an election; or to induce anyone to procure return of candidate or endeavour to procure
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any elector at an election; or receiving bribe to procure return of candidate
- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or advancing money to be spent in corrupt practices
- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or applying for money or employment in consideration of voting
- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives or agrees or contracts for any money, gift, loan or receiving money, office, etc., for having voted

valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

receiving
money
corruptly
after
election

(h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

giving or
promising
office to
candidate
to stand or
withdraw

(i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

is guilty of bribery, and on summary conviction is liable to a fine of \$200, or to imprisonment for a term of not more than six months, or to both, and is disqualified from voting at any election for four years.

Personal
expenses of
candidate

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act.

Posting of
provisions
as to corrupt
practices

(3) The clerk shall furnish every deputy returning officer with at least two copies of this section, and the deputy returning officer shall post them in conspicuous places at the polling place.

General
offence

102. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Disqualifi-
cation of
persons
guilty of
corrupt
practice

103.—(1) Where a candidate at an election is convicted of bribery or of committing a corrupt practice, he is ineligible to be nominated and stand as a candidate at any election up to and including the next regular election, or to hold any office at the nomination of a municipal council or local board for four years following the date of the poll.

(2) If, when the candidate is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate is not subject to the penalties and disabilities provided by subsection 1.

CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

104.—(1) The validity of an election or of the election of any person to any office at such an election or whether or not any person is guilty of a corrupt practice respecting an election shall be tried and determined by an action commenced by issuing a writ in the county or district court for the county or district in which the municipality or the administrative or head office of the local board is situated.

(2) Where the county or district court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under sections 94 to 100.

(3) A candidate at an election or any elector entitled to vote at an election referred to in subsection 1, may commence an action under this section in relation to such election.

(4) No action shall be commenced after the expiration of ninety days following the date of the poll at the election referred to in subsection 1.

105.—(1) The judge shall, in a summary manner and without formal pleadings, hear and determine the questions raised by or upon an action under section 104 and may give directions as to the conduct thereof and may inquire into the facts on affidavit, by oral testimony, or by trying an issue framed by him, or by one or more of those means.

(2) Subject to subsection 1 and where not otherwise provided in this Act, the practice and procedure of the county or district court apply to an action commenced under section 104.

(3) The action shall be tried by a judge without a jury.

106.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the clerk incurred in the publication of notices in the municipality in respect of the writ of the action or proceedings therein.

Idem	(2) The security shall be in the amount of \$400 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.
Abatement of action	107. —(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.
Liability for costs	(2) The abatement of an action does not affect any liability for costs previously incurred.
Substitution of plaintiff	(3) On the abatement of an action any person who might have been a plaintiff may apply to a judge of the court or, during the trial, to the trial judge to be substituted as the plaintiff.
Substitution for unqualified person	108. Where a plaintiff is not qualified to be a plaintiff in an action under this Act, the action shall not on that account be dismissed if within such time as a judge of the court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.
Successful candidate guilty of corrupt practice	109. —(1) Where it is determined that a successful candidate is guilty of bribery or of a corrupt practice, the court may declare his election void and his office shall thereupon become vacant.
Unseating and seating of another elected candidate	(2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person would have been elected but for the corrupt practice that he be admitted to take his seat in the council or board or, if it is determined that no other person is elected, a new election shall be held.
Where commission of corrupt practice affected result of election	(3) Where it is determined that any person is guilty of bribery or of a corrupt practice and that the commission of the bribery or corrupt practice affected the result of the election, the court may declare the election void and a new election shall be held.
Where act of election official affected result of election	(4) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and a new election shall be held.
Compensation of candidates where election void	(5) Where a new election is to be held, the court may make such order as it considers just, against any person who is found guilty of an offence or of bribery or a corrupt practice under this Act, for the compensation of candidates at the void election, not exceeding \$2,000 per candidate.
Judgment to clerk	(6) The clerk of the court shall forward a copy of the judgment and the reasons for judgment to the clerk of the municipality.

110. If the court determines that a member was not duly elected, notwithstanding that an appeal from the decision is pending, he is not entitled to sit or vote on the council or board until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat and to sit and vote until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board.

Where
election set
aside and
appeal
entered

111. A new election shall not be held until after the expiration of the time limited for appeal from the determination of the court that the election is void and, if an appeal is brought, the election shall not be held pending the appeal.

New election
not to be
held pending
appeal

112.—(1) An appeal lies from the judgment of the county or district court to the Divisional Court in accordance with the rules of court.

Appeal to
Divisional
Court

(2) The Divisional Court may give any judgment that ought to have been pronounced or may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Divisional Court, the case shall thereafter be proceeded with as if there had been no appeal.

Judgment
or new trial

(3) An appeal lies from the decision of the trial judge to whom the case was remitted by the Divisional Court in accordance with the provisions of this section.

Appeal from
decision on
new trial

113. Any person elected may, at any time after the election and before it is complained of, deliver to the clerk of the municipality a disclaimer, signed by him, to the following effect:

Disclaimer
before
complaint

“I, A.B., hereby disclaim all right to the office of
.....for the.....of
.....in the county (or district) of
.....and all defence of any right I may
have to the same. Dated.....day of
....., 19.... A.B.”

114. A person whose election is complained of, unless it is complained of on the ground of bribery or of a corrupt practice

Disclaimer
after
complaint

on his part, may, within one week after service on him of the writ, transmit by registered mail, or deliver to the judge of the court, and to the applicant or his solicitor, a disclaimer signed by him to the following effect:

"I, A.B., upon whom a writ, authorized by *The Municipal Elections Act, 1972*, has been served for the purpose of contesting my right to the office

of....., in the county (or district)

of....., hereby disclaim the office, and all defence of any right I may have to the same.

Dated.....day of....., 19....
A.B."

Duplicate
of disclaimer
to clerk

115.—(1) A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council.

Operates as
resignation

(2) A disclaimer in accordance with section 113 or 114 operates as a resignation.

Relief from
costs

(3) A disclaimer in accordance with section 114 relieves the person making it from all liability for costs in an action under section 104.

Procedure
substituted
for *quo*
warranto
proceedings

116. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Act and not by *quo warranto* proceedings or by an action in any court.

Regulations

117. The Minister may make regulations,

(a) prescribing forms for the purposes of this Act; and

(b) prescribing rules for the use of voting machines.

R.S.O. 1970,
cc. 288, 485,
repealed

118. *The Municipal Franchise Extension Act* and *The Voters' Lists Act* are repealed.

Commence-
ment

119. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

120. This Act may be cited as *The Municipal Elections Act, 1972*.

An Act respecting
Municipal Elections

1st Reading

April 20th, 1972

2nd Reading

May 16th, 1972

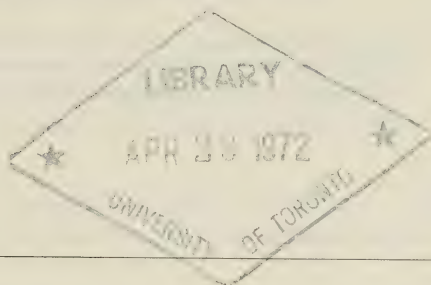
3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting
Ontario Credit Union League Limited**



THE HON. E. WINKLER
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill authorizes the Ontario Credit Union League Limited to purchase and continue the membership and undertakings of the Ontario Co-operative Credit Society notwithstanding the limitations imposed by *The Credit Unions Act*.

BILL 78

1972

An Act respecting Ontario Credit Union League Limited

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "League" means the Ontario Credit Union League Limited, a company incorporated under *The Credit Unions Act, 1940*; ^{1940, c. 7}
- (b) "Society" means the Ontario Co-operative Credit Society, a company incorporated by *The Ontario Co-operative Credit Society Act, 1949*. ^{1949, c. 133}

2. Subject to the approval of the Lieutenant Governor in Council and subject to such terms and conditions as he may impose, the League may purchase, acquire and take over as a going concern the whole of the business and undertaking of the Society, including the goodwill and any or all of its assets, property, privileges, contracts, rights, choses in action, bills of exchange and promissory notes, and the League may thereafter carry on the said business. ^{Acquisition of Society by League}

3. The League shall assume, as part of the purchase price of the business and undertaking of the Society, all of the liabilities of the Society, and may pay the balance in cash or by the issue of shares to the Society or to the members thereof, whether or not such members are members of the League, and the Society is discharged from any liability in respect of its liabilities. ^{Liabilities}

4. In addition to any powers the League has under *The Credit Unions Act* and notwithstanding any provision thereof to the contrary, the League may accept into membership, ^{Membership R.S.O. 1970, c. 96}

- (a) co-operative corporations incorporated, organized or registered under provincial co-operative legislation or governed by such legislation;

- (b) corporations organized for charitable purposes;
- (c) corporations, no part of the income of which is payable to, or otherwise benefits personally, any shareholder or member thereof; or
- (d) corporations however incorporated (whether under the laws of Ontario or not) which in the opinion of the directors are operating as co-operative corporations,

and may make loans to any such members.

Participation
in Canadian
Co-operative
Credit Society
Limited

5. The League may acquire and hold shares of the capital stock of Canadian Co-operative Credit Society Limited, being a company incorporated by chapter 28 of the Statutes of Canada, 1952-53, and accept all the powers, privileges and immunities and subject itself to the limitations, liabilities and provisions mentioned in subsection 1 of section 80 of the *Co-operative Credit Associations Act*, being chapter C-29 of the Revised Statutes of Canada, 1970.

League
continued
as league
under
R.S.O. 1970,
c. 96

6. The League continues as a league under and subject to *The Credit Unions Act*, notwithstanding this Act or anything done by the League under the authority of this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ontario Credit Union League Limited Act, 1972*.

An Act respecting
Ontario Credit Union League Limited

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

(Government Bill)

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BILL 78

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Ontario Credit Union League Limited

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations



BILL 78

1972

An Act respecting Ontario Credit Union League Limited

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Interpre-
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- (b) "Society" means the Ontario Co-operative Credit Society, a company incorporated by *The Ontario Co-operative Credit Society Act, 1949*. ^{1949, c. 133}

2. Subject to the approval of the Lieutenant Governor in Council and subject to such terms and conditions as he may impose, the League may purchase, acquire and take over as a going concern the whole of the business and undertaking of the Society, including the goodwill and any or all of its assets, property, privileges, contracts, rights, choses in action, bills of exchange and promissory notes, and the League may thereafter carry on the said business. ^{Acquisition of Society by League}

3. The League shall assume, as part of the purchase price of the business and undertaking of the Society, all of the liabilities of the Society, and may pay the balance in cash or by the issue of shares to the Society or to the members thereof, whether or not such members are members of the League, and the Society is discharged from any liability in respect of its liabilities. ^{Liabilities}

4. In addition to any powers the League has under *The Credit Unions Act* and notwithstanding any provision thereof to the contrary, the League may accept into membership, ^{Membership R.S.O. 1970, c. 96}

- (a) co-operative corporations incorporated, organized or registered under provincial co-operative legislation or governed by such legislation;

- (b) corporations organized for charitable purposes;
- (c) corporations, no part of the income of which is payable to, or otherwise benefits personally, any shareholder or member thereof; or
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League
continued
as league
under
R.S.O. 1970,
c. 96

6. The League continues as a league under and subject to *The Credit Unions Act*, notwithstanding this Act or anything done by the League under the authority of this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ontario Credit Union League Limited Act, 1972*.

An Act respecting
Ontario Credit Union League Limited

1st Reading

April 20th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 11th, 1972

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

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BILL 79

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Marriage Act



THE HON. E. WINKLER
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The fee for a marriage licence is increased from \$10 to \$15, and the amount retained by the issuer is increased from \$3 to \$5. The limit of \$2,000 or the amount for which a municipality may commute the fees of an issuer is removed.

SECTION 2. The fee for solemnization of a marriage by a judge is increased from \$10 to \$15.

BILL 79

1972

An Act to amend The Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2 and 3 of section 38 of *The Marriage Act*, ^{s. 38 (1-3), re-enacted} being chapter 261 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:
 - (1) The fee for a licence is \$15, of which sum \$10 shall ^{Licence fee} be remitted by the issuer to the Treasurer of Ontario.
 - (2) The issuer shall retain \$5 from the licence fee for ^{Retention by issuer} his own use.
 - (3) Where the issuer is the clerk of a municipality, ^{Commutation of clerk's fees} the council of the municipality may commute the issuer's fees provided for in subsection 2 for a fixed sum payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.
2. Section 42 of the said Act is repealed and the following ^{s. 42, re-enacted} substituted therefor:
 42. The fee for the solemnization of a marriage by a ^{Fee on marriage by judge} judge or provincial judge is \$15 which shall be remitted by the judge or provincial judge, as the case may be, to the Treasurer of Ontario.
3. This Act comes into force on the 1st day of July, 1972. ^{Commencement}
4. This Act may be cited as *The Marriage Amendment* ^{Short title} Act, 1972.

BILL 79

An Act to amend
The Marriage Act

1st Reading

April 20th, 1972

2nd Reading

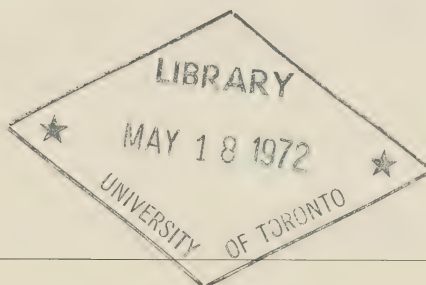
3rd Reading

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 79

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Marriage Act

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 79

1972

An Act to amend The Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2 and 3 of section 38 of *The Marriage Act*, s. 38 (1-3), being chapter 261 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

- (1) The fee for a licence is \$15, of which sum \$10 shall ^{Licence fee} be remitted by the issuer to the Treasurer of Ontario.
- (2) The issuer shall retain \$5 from the licence fee for ^{Retention by issuer} his own use.
- (3) Where the issuer is the clerk of a municipality, ^{Commutation of clerk's fees} the council of the municipality may commute the issuer's fees provided for in subsection 2 for a fixed sum payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

2. Section 42 of the said Act is repealed and the following ^{s. 42, re-enacted} substituted therefor:

42. The fee for the solemnization of a marriage by a ^{Fee on marriage by judge} judge or provincial judge is \$15 which shall be remitted by the judge or provincial judge, as the case may be, to the Treasurer of Ontario.

3. This Act comes into force on the 1st day of July, 1972. ^{Commencement}

4. This Act may be cited as *The Marriage Amendment Act, 1972*. ^{Short title}

An Act to amend
The Marriage Act

1st Reading

April 20th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Ministry of Correctional Services Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 80

1972

**An Act to amend
The Ministry of Correctional Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Correctional Services Act*, being chapter ^{s. 19a,} 110 of the Revised Statutes of Ontario, 1970, is amended by ^{enacted} adding thereto the following section:

19a. The Lieutenant Governor in Council may establish ^{Conjugal} a conjugal visiting ^{visiting} program ^{program} under which persons detained in a correctional institution or any class thereof may, under such terms and conditions as are specified, receive visits from the husbands or wives of such persons for the purpose of continuing or resuming their marital relations.

2. Subsection 1 of section 33 of the said Act is amended by ^{s. 33 (1),} adding thereto the following clause: ^{amended}

(ca) establishing and governing the conjugal visiting program referred to in section 19a.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Ministry of Correctional* ^{Short title} *Services Amendment Act, 1972.*

An Act to amend The Ministry of
Correctional Services Act

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Schools Administration Act

MR. GOOD



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide for the exempting of a child from school attendance where it is clear that the child is no longer receiving any benefit from his attendance therein.

BILL 81

1972

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Schools Administration*^{s. 6 (2), amended} Act, being chapter 424 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(i) if he has attained the age of fourteen years on or before the first school day in September in any year and it is the opinion of,

(i) the parent or guardian of the child,

(ii) the child,

(iii) the principal of the school attended by the child, and

(iv) the board under whose jurisdiction the child attends school,

that the child is no longer receiving any benefit from his attendance at school.

2. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Schools Administration*^{Short title} Amendment Act, 1972.

An Act to amend
The Schools Administration Act

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

MR. GOOD

(Private Member's Bill)

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BILL 82

Government Bill

**Government
Publications**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to incorporate Ontario Place

THE HON. J. WHITE
Minister of Industry and Tourism

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Act creates a corporation for the management of Ontario Place.

BILL 82

1972

An Act to incorporate Ontario Place

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means Ontario Place Corporation;
- (c) "Minister" means the Minister of Industry and Tourism.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of Act

3.—(1) There is hereby established, on behalf of Her Majesty the name of Ontario Place Corporation.

Ontario Place
Corporation
established

(2) The Corporation shall consist of not fewer than seven and not more than thirteen members of whom one shall be the Deputy Minister of Industry and Tourism, *ex officio*, and the remainder, of whom one shall be a director of the Canadian National Exhibition Association, shall be appointed by the Lieutenant Governor in Council.

Composition

(3) The members shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Remunera-
tion of
members

4.—(1) The members of the corporation for the time being form and are its board of directors.

Board of
directors

(2) The Lieutenant Governor in Council shall designate one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.

Chairman,
vice-
chairman

Acting
chairman

(3) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.

Quorum

(4) Three directors constitute a quorum of the Board.

R.S.O. 1970,
c. 89 not to
apply

5. *The Corporations Act* does not apply to the Corporation.

Management
of
Corporation

6. The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Officers and
employees

7.—(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved.

Employees'
superannua-
tion benefits
R.S.O. 1970,
c. 387

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Objects

8. The objects of the Corporation are,

- (a) to operate Ontario Place as a provincial exhibit and recreational centre;
- (b) to develop projects and programs designed to provide the people of Ontario with a greater appreciation of the Province and its accomplishments and potential, and to provide talented artists in the Province with the opportunity to exhibit their works and their abilities;
- (c) to develop special programs from time to time considered to be worthwhile to enhance the image of the Province and to co-ordinate activities with the Canadian National Exhibition at times when that exhibition is in operation; and
- (d) to do such other things as the Minister may require from time to time and to advise the Minister on projects and programs of general advantage to the Province.

9.—(1) It is the duty of the Corporation to develop, con-^{General}trol, manage, operate and maintain Ontario Place and for ^{powers and}duties the purposes of carrying out such duty the Corporation has power,

- (a) to make such by-laws, rules and orders as may be considered expedient for the constitution of the Corporation and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational and exhibition facilities and programs, restaurants, theatres, shops and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of Ontario Place;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with Ontario Place;
- (d) to receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal or any interest therein.

(2) Subject to the approval of the Lieutenant Governor^{Transfer of assets} in Council, such property of the Crown in right of Ontario as is considered necessary or advisable for the purpose of carrying out its objects may be transferred to and vested in the Corporation for such purpose.

10. The Corporation, with the approval of the Lieutenant^{Regulations} Governor in Council, may make regulations,

- (a) regulating and governing the use by the public of Ontario Place and the works and things under the jurisdiction of the Corporation;
- (b) providing for the protection and preservation from damage of the property of the Corporation;
- (c) prescribing fees for entry into Ontario Place and in connection with any service or the use of any facility provided therein.

11. The property and the income, revenues and profits^{Revenue} of the Corporation shall be applied solely to promote the objects of the Corporation.

Grants and
loans

12. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Audit

13. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

Annual
report

14.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports

(2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Ontario Place Corporation Act, 1972*.

Bill 82

An Act to incorporate
Ontario Place

1st Reading

April 21st, 1972

2nd Reading

3rd Reading

THE HON. J. WHITE
Minister of Industry and Tourism

(Government Bill)

CAZON
XB
-B 56

BILL 82

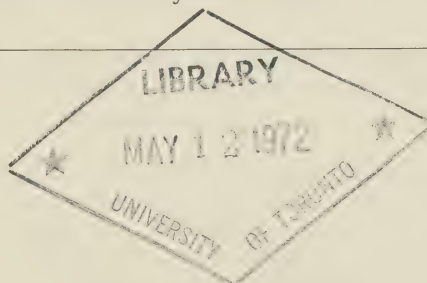
Government Bill

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to incorporate Ontario Place

THE HON. J. WHITE
Minister of Industry and Tourism



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Act creates a corporation for the management of Ontario Place.

BILL 82

1972

An Act to incorporate Ontario Place

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation

(a) "Board" means the board of directors of the Corporation;

(b) "Corporation" means Ontario Place Corporation;

(c) "Minister" means the Minister of Industry and Tourism.

2. The Minister is responsible for the administration of this Administra-
tion of Act
Act.

3.—(1) There is hereby established, on behalf of Her Majesty Ontario Place
Corporation
established
in right of Ontario, a corporation without share capital under the name of Ontario Place Corporation.

(2) The Corporation shall consist of not fewer than seven Composition
and not more than thirteen members of whom one shall be the Deputy Minister of Industry and Tourism, *ex officio*, and the remainder, of whom one shall be a director of the Canadian National Exhibition Association, shall be appointed by the Lieutenant Governor in Council.

(3) The members shall be paid such remuneration as is Remunera-
tion of
members
fixed by the Lieutenant Governor in Council.

4.—(1) The members of the corporation for the time Board of
directors
being form and are its board of directors.

(2) The Lieutenant Governor in Council shall designate Chairman,
vice-
chairman
one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.

Acting
chairman

(3) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.

Quorum

(4) A majority of the directors shall constitute a quorum of the Board.

R.S.O. 1970,
c. 89 not to
apply

5. *The Corporations Act* does not apply to the Corporation.

Management
of
Corporation

6. The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Officers and
employees

7.—(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved.

Employees'
superannua-
tion benefits
R.S.O. 1970,
c. 387

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Objects

8. The objects of the Corporation are,

- (a) to operate Ontario Place as a provincial exhibit and recreational centre;
- (b) to develop projects and programs designed to provide the people of Ontario with a greater appreciation of the Province and its accomplishments and potential, and to provide talented artists in the Province with the opportunity to exhibit their works and their abilities;
- (c) to develop special programs from time to time considered to be worthwhile to enhance the image of the Province and to co-ordinate activities with the Canadian National Exhibition at times when that exhibition is in operation; and
- (d) to do such other things as the Minister may require from time to time and to advise the Minister on projects and programs of general advantage to the Province.

9.—(1) It is the duty of the Corporation to develop, con-^{General powers and duties}trol, manage, operate and maintain Ontario Place and for the purposes of carrying out such duty the Corporation has power,

- (a) to make such by-laws, rules and orders as may be considered expedient for the constitution of the Corporation and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational and exhibition facilities and programs, restaurants, theatres, shops and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of Ontario Place;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with Ontario Place;
- (d) to receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal or any interest therein.

(2) Subject to the approval of the Lieutenant Governor^{Transfer of assets} in Council, such property of the Crown in right of Ontario as is considered necessary or advisable for the purpose of carrying out its objects may be transferred to and vested in the Corporation for such purpose.

10. The Corporation, with the approval of the Lieutenant Governor^{Regulations} in Council, may make regulations,

- (a) regulating and governing the use by the public of Ontario Place and the works and things under the jurisdiction of the Corporation;
- (b) providing for the protection and preservation from damage of the property of the Corporation;
- (c) prescribing fees for entry into Ontario Place and in connection with any service or the use of any facility provided therein.

11. The property and the income, revenues and profits^{Revenue} of the Corporation shall be applied solely to promote the objects of the Corporation.

Grants and
loans

12. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Audit

13. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

Annual
report

14.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports

(2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Ontario Place Corporation Act, 1972*.

An Act to incorporate
Ontario Place

1st Reading

April 21st, 1972

2nd Reading

May 2nd, 1972

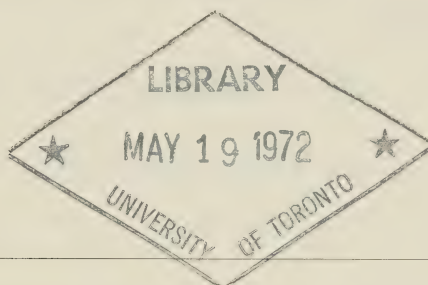
3rd Reading

THE HON. J. WHITE
Minister of Industry and Tourism

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 82

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to incorporate Ontario Place

THE HON. J. WHITE
Minister of Industry and Tourism

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 82

1972

An Act to incorporate Ontario Place

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means Ontario Place Corporation;
- (c) "Minister" means the Minister of Industry and Tourism.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of Act

3.—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of Ontario Place Corporation.

Ontario Place
Corporation
established

(2) The Corporation shall consist of not fewer than seven and not more than thirteen members of whom one shall be the Deputy Minister of Industry and Tourism, *ex officio*, and the remainder, of whom one shall be a director of the Canadian National Exhibition Association, shall be appointed by the Lieutenant Governor in Council.

Composition

(3) The members shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Remunera-
tion of
members

4.—(1) The members of the corporation for the time being form and are its board of directors.

Board of
directors

(2) The Lieutenant Governor in Council shall designate one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.

Chairman,
vice-
chairman

- Acting chairman (3) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.
- Quorum (4) A majority of the directors shall constitute a quorum of the Board.
- R.S.O. 1970, c. 89 not to apply
Management of Corporation 5. *The Corporations Act* does not apply to the Corporation.
6. The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.
- Officers and employees 7.—(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved.
- Employees' superannuation benefits R.S.O. 1970, c. 387 (2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.
- Objects 8. The objects of the Corporation are,
- (a) to operate Ontario Place as a provincial exhibit and recreational centre;
 - (b) to develop projects and programs designed to provide the people of Ontario with a greater appreciation of the Province and its accomplishments and potential, and to provide talented artists in the Province with the opportunity to exhibit their works and their abilities;
 - (c) to develop special programs from time to time considered to be worthwhile to enhance the image of the Province and to co-ordinate activities with the Canadian National Exhibition at times when that exhibition is in operation; and
 - (d) to do such other things as the Minister may require from time to time and to advise the Minister on projects and programs of general advantage to the Province.

9.—(1) It is the duty of the Corporation to develop, con-^{General}trol, manage, operate and maintain Ontario Place and for ^{powers and}duties the purposes of carrying out such duty the Corporation has power,

- (a) to make such by-laws, rules and orders as may be considered expedient for the constitution of the Corporation and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational and exhibition facilities and programs, restaurants, theatres, shops and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of Ontario Place;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with Ontario Place;
- (d) to receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal or any interest therein.

(2) Subject to the approval of the Lieutenant Governor^{Transfer of assets} in Council, such property of the Crown in right of Ontario as is considered necessary or advisable for the purpose of carrying out its objects may be transferred to and vested in the Corporation for such purpose.

10. The Corporation, with the approval of the Lieutenant^{Regulations} Governor in Council, may make regulations,

- (a) regulating and governing the use by the public of Ontario Place and the works and things under the jurisdiction of the Corporation;
- (b) providing for the protection and preservation from damage of the property of the Corporation;
- (c) prescribing fees for entry into Ontario Place and in connection with any service or the use of any facility provided therein.

11. The property and the income, revenues and profits^{Revenue} of the Corporation shall be applied solely to promote the objects of the Corporation.

Grants and
loans

12. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Audit

13. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

Annual
report

14.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports

(2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Ontario Place Corporation Act, 1972*.

An Act to incorporate
Ontario Place

1st Reading

April 21st, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

THE HON. J. WHITE
Minister of Industry and Tourism

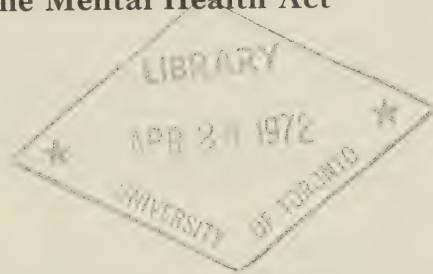
CAZON
XB
-B 56

BILL 83

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Mental Health Act



MR. SHULMAN

EXPLANATORY NOTE

The Bill requires that where a person charged with or convicted of an offence is ordered to attend a psychiatric facility for examination, he be examined by at least one psychiatrist.

BILL 83

1972

An Act to amend The Mental Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Mental Health Act*, being ^{s. 14 (1), amended} chapter 269 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "and the person shall be examined by at least one psychiatrist", so that the subsection shall read as follows:

- (1) Where a judge has reason to believe that a person ^{Judge's order for examination} who appears before him charged with or convicted of an offence suffers from mental disorder, the judge may order the person to attend a psychiatric facility for examination, and the person shall be examined by at least one psychiatrist.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Mental Health Amendment* ^{Short title} Act, 1972.

BILL 83

An Act to amend
The Mental Health Act

1st Reading

April 21st, 1972

2nd Reading

3rd Reading

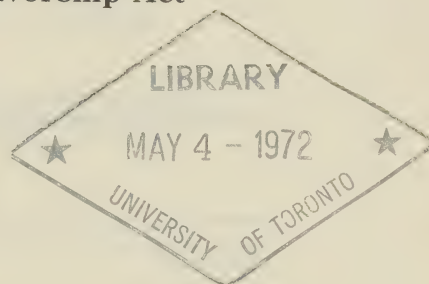
MR. SHULMAN

(Private Member's Bill)

BILL 84

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Survivorship Act

THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment corrects erroneous references to *The Insurance Act*.
The sections referred to provide for the rule when deaths occur simultaneously.

BILL 84

1972

An Act to amend The Survivorship Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Survivorship Act*, being ^{s.1 (2),} chapter 454 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(2) This section shall be read and construed subject to ^{Exceptions} sections 190 and 268 of *The Insurance Act* and ^{R.S.O. 1970,} section 36 of *The Wills Act*. ^{cc. 224, 499}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Survivorship Amendment* ^{Short title} *Act, 1972.*

An Act to amend
The Survivorship Act

1st Reading

April 24th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

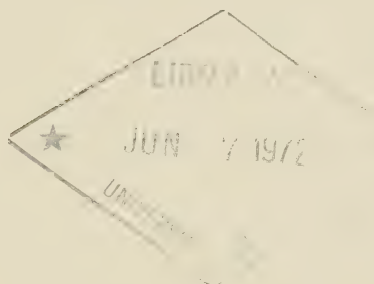
(Government Bill)

BILL 84

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Survivorship Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 84

1972

An Act to amend The Survivorship Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Survivorship Act*, being ^{s. 1 (2),} _{re-enacted} chapter 454 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(2) This section shall be read and construed subject to ^{Exceptions} sections 190 and 268 of *The Insurance Act* and ^{R.S.O. 1970,} _{cc. 224, 499} section 36 of *The Wills Act*.

2. This Act comes into force on the day it receives Royal ^{Commence-} _{ment} Assent.

3. This Act may be cited as *The Survivorship Amendment* ^{Short title} *Act, 1972*.

BILL 84

An Act to amend
The Survivorship Act

1st Reading

April 24th, 1972

2nd Reading

May 16th, 1972

3rd Reading

May 16th, 1972

THE HON. D. A. BALES
Attorney General

CA20N
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-B 56

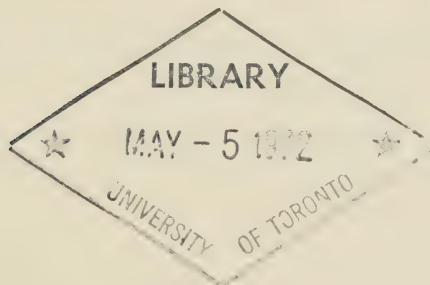
BILL 85

Government
Publications
Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Cancer Act

THE HON. R. T. POTTER
Minister of Health



EXPLANATORY NOTE

The section added is designed to encourage the forwarding of information respecting cases of cancer to The Ontario Cancer Treatment and Research Foundation; such information is to be kept confidential and doctors, dentists and hospitals are protected against damage actions based on the furnishing of such information.

BILL 85

1972

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Cancer Act*, being chapter 55 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

6a.—(1) Any information or report respecting a case of cancer furnished to the Foundation by any person shall be kept confidential and shall not be used or disclosed by the Foundation to any person for any purpose other than for compiling statistics or carrying out medical or epidemiological research.

(2) No action or other proceeding for damages lies or shall be instituted against any legally qualified medical practitioner or any licensed dental surgeon or any hospital in respect of the furnishing to the Foundation of any information or report with respect to a case of cancer examined, diagnosed or treated, by such medical practitioner or dental surgeon or at such hospital.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Cancer Amendment Act, 1972*.

An Act to amend
The Cancer Act

1st Reading

April 25th, 1972

2nd Reading

3rd Reading

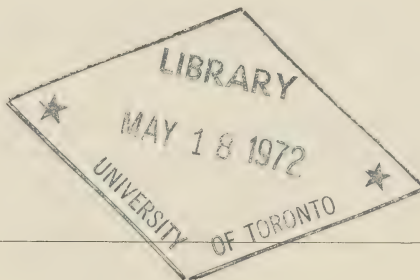
THE HON. R. T. POTTER
Minister of Health

(Government Bill)

BILL 85

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Cancer Act



THE HON. R. T. POTTER
Minister of Health

BILL 85

1972

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Cancer Act*, being chapter 55 of the Revised Statutes^{s. 6a, enacted} of Ontario, 1970, is amended by adding thereto the following section:

6a.—(1) Any information or report respecting a case of^{Information to be} cancer furnished to the Foundation by any person^{confidential} shall be kept confidential and shall not be used or disclosed by the Foundation to any person for any purpose other than for compiling statistics or carrying out medical or epidemiological research.

(2) No action or other proceeding for damages lies or shall^{Liability} be instituted against any legally qualified medical practitioner or any licensed dental surgeon or any hospital in respect of the furnishing to the Foundation of any information or report with respect to a case of cancer examined, diagnosed or treated, by such medical practitioner or dental surgeon or at such hospital.

2. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Cancer Amendment Act, 1972*.^{Short title}

An Act to amend
The Cancer Act

1st Reading

April 25th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

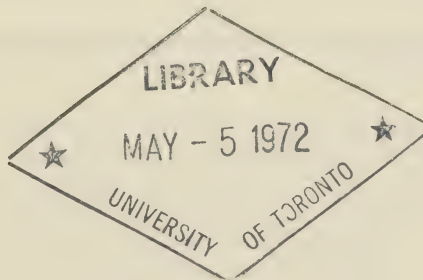
May 2nd, 1972

THE HON. R. T. POTTER
Minister of Health

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Ministry of Community and Social Services Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



EXPLANATORY NOTES

SECTION 1. Specific provision is made for the appointment of a Deputy Minister.

SECTION 2. The power to make grants in aid of the services mentioned is clarified.

BILL 86

1972

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, subsection 3, is repealed and the following substituted therefor:

4.—(1) A Deputy Minister of Community and Social Services may be appointed by the Lieutenant Governor in Council. Deputy Minister
s. 4,
re-enacted

(2) Such officers, clerks and servants as the Minister considers necessary for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*. Staff
R.S.O.
1970, c. 386

2. The said Act is amended by adding thereto the following section: s. 6d,
enacted

6d. The Lieutenant Governor in Council or the Minister may, out of moneys appropriated therefor by the Legislature, direct payment from time to time of grants and contributions for consultation, research and evaluation services with respect to programs of social services and for the provision, encouragement and development of credit counselling services, community development services and other social services. Grants re
social and
credit
counselling
services,
etc.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1972*. Short title

An Act to amend
The Ministry of Community
and Social Services Act

1st Reading

April 25th, 1972

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and Social Services

(Government Bill)

BILL 86

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Ministry of Community and Social Services Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



BILL 86

1972

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, subsection 3, is repealed and the following substituted therefor:

4.—(1) A Deputy Minister of Community and Social Services may be appointed by the Lieutenant Governor in Council.

(2) Such officers, clerks and servants as the Minister considers necessary for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*.

2. The said Act is amended by adding thereto the following section:

6d. The Lieutenant Governor in Council or the Minister may, out of moneys appropriated therefor by the Legislature, direct payment from time to time of grants and contributions for consultation, research and evaluation services with respect to programs of social services and for the provision, encouragement and development of credit counselling services, community development services and other social services.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1972*.

An Act to amend
The Ministry of Community
and Social Services Act

1st Reading

April 25th, 1972

2nd Reading

May 25th, 1972

3rd Reading

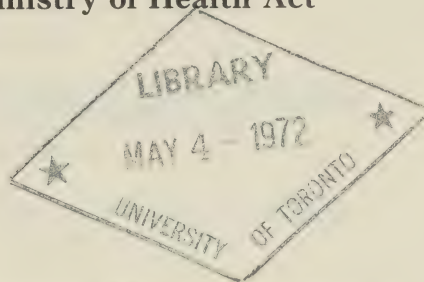
May 25th, 1972

THE HON. R. BRUNELLE
Minister of Community and Social Services

BILL 87

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Ministry of Health Act

THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The provision naming the Deputy Minister as the chief medical officer for Ontario is deleted.

SECTION 2. The provision naming the Deputy Minister as chairman of the Ontario Council of Health is deleted.

BILL 87

1972

An Act to amend The Ministry of Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Ministry of Health Act*, ^{s. 2 (3),} _{re-enacted} being chapter 114 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) The Lieutenant Governor in Council may appoint a ^{Deputy} _{Minister} Deputy Minister of Health as deputy head of the Ministry.

2. Subsection 1 of section 7 of the said Act is repealed and ^{s. 7 (1),} _{re-enacted} the following substituted therefor:

(1) There shall be a senior advisory body to the Minister ^{Ontario} _{Council} on health matters, known as the Ontario Council of ^{of Health Health, consisting of a chairman and not fewer than sixteen other members as are appointed by the Lieutenant Governor in Council.}

3. This Act comes into force on the day it receives Royal ^{Commence-} _{ment} Assent.

4. This Act may be cited as *The Ministry of Health Amendment Act*, 1972. ^{Short title}

An Act to amend
The Ministry of Health Act

1st Reading

April 25th, 1972

2nd Reading

3rd Reading

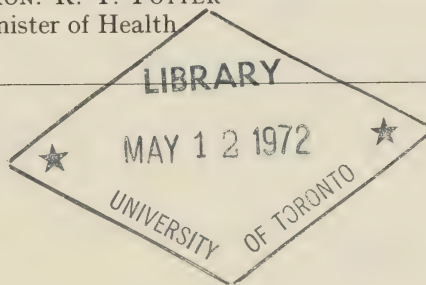
THE HON. R. T. POTTER
Minister of Health

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Ministry of Health Act

THE HON. R. T. POTTER
Minister of Health



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The provision naming the Deputy Minister as the chief medical officer for Ontario is deleted.

SECTION 2. The provision naming the Deputy Minister as chairman of the Ontario Council of Health is deleted.

BILL 87

1972

An Act to amend The Ministry of Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Ministry of Health Act*, s. 2 (3), being chapter 114 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) The Lieutenant Governor in Council may appoint a Deputy Minister of Health as deputy head of the Ministry.

2. Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor: s. 7 (1), re-enacted

(1) There shall be a senior advisory body to the Minister on health matters, known as the Ontario Council of Health, consisting of a chairman and not fewer than sixteen other members as are appointed by the Lieutenant Governor in Council.

3. This Act shall be deemed to have come into force on the 1st day of May, 1972. Commence-
ment

4. This Act may be cited as *The Ministry of Health Amendment Act, 1972*. Short title

An Act to amend
The Ministry of Health Act

1st Reading

April 25th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

THE HON. R. T. POTTER
Minister of Health

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Ministry of Health Act



THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 87

1972

An Act to amend The Ministry of Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Ministry of Health Act*, ^{s. 2 (3),} _{re-enacted} being chapter 114 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (3) The Lieutenant Governor in Council may appoint a ^{Deputy} _{Minister} Deputy Minister of Health as deputy head of the Ministry.
2. Subsection 1 of section 7 of the said Act is repealed and ^{s. 7 (1),} _{re-enacted} the following substituted therefor:
 - (1) There shall be a senior advisory body to the Minister ^{Ontario} _{Council} on health matters, known as the Ontario Council of ^{of} _{Health} Health, consisting of a chairman and not fewer than sixteen other members as are appointed by the Lieutenant Governor in Council.
3. This Act shall be deemed to have come into force on the ^{Commence-} _{ment} 1st day of May, 1972.
4. This Act may be cited as *The Ministry of Health Amend-* ^{Short title} _{ment Act, 1972.}

An Act to amend
The Ministry of Health Act

1st Reading

April 25th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

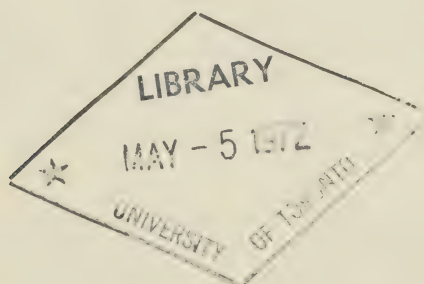
THE HON. R. T. POTTER
Minister of Health

8
-056

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Change of Name Act

THE HON. D. A. BALES
Attorney General



EXPLANATORY NOTES

The Bill implements the Report of the Ontario Law Reform Commission on *The Change of Name Act*.

The principal purposes of the amendments are twofold:

1. Requirements on the basis of the residence of the applicant are introduced.
2. The distinction between applications by married men and those by married women is removed.

An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Change of Name Act*, ^{s. 2 (3),} ~~re-enacted~~ being chapter 60 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (3) Any person of the full age of eighteen years who effected a change of name in Ontario under a right ^{Application where name} ~~changed~~ ^{before} that existed at law before the 26th day of June, 1939, ^{June 26, 1939} may make an application under this Act to change his name from the name he bore before the change to the name he bears as a result of the change, as though the change had not been effected.

2. Subsection 1 of section 3 of the said Act is repealed ^{s. 3 (1),} ~~re-enacted~~ and the following substituted therefor:

- (1) Any person may make an application who has ^{Who may} ~~apply~~ had his ordinary residence in Ontario for at least one year immediately before making the application and who is at least eighteen years of age.

3. Section 4 of the said Act is repealed and the following ^{s. 4,} ~~re-enacted~~ substituted therefor:

4. —(1) A married person applying for a change of sur- ^{Application by married} ~~person~~ name shall also apply for a change of the surnames of his or her spouse and of all unmarried infant children of the husband or of the marriage.
- (2) A married person may apply for a change of the ^{Idem} given names of any or all of his or her unmarried infant children.

4. Subsection 4 of section 6 of the said Act is amended by ^{s. 6 (4),} ~~amended~~ striking out "Notwithstanding section 3" in the first line.

s. 8,
amended **5.** Section 8 of the said Act is amended by striking out
“Notwithstanding section 3” in the first line.

s. 9,
repealed **6.** Section 9 of the said Act is repealed.

s. 10,
re-enacted **7.** Section 10 of the said Act is repealed and the following
substituted therefor:

Consent of
spouse and
children 10.—(1) Where an application includes an application
for a change of the name of the spouse of the applicant
or of any unmarried infant children of the age of
fourteen years or over, the consent in writing of all
such persons shall be obtained, and all such persons
shall appear on the hearing of the application, pro-
vided that where the spouses have, in the opinion of
the judge been living apart for a period of five years
immediately before the application, the judge may
hear the application in the absence of and without
the consent of the spouse who is not applying, in
which case no change of his or her name shall be
effected.

Consent of
other parent
or spouse (2) Where the consent of any person is required under
subsection 3 or 4 of section 6 or under section 8, the
consent in writing of all such persons shall be
obtained, and all such persons shall appear on the
hearing of the application.

Dispensing
with consent (3) Notwithstanding subsection 2, where the judge is
satisfied that the other parent in the case of an
application under section 6 does not contribute to
the support of the applicant or the children on whose
behalf the application is made, or cannot be found,
or is incapable of giving such consent, or for any
reason is a person whose consent ought to be dispensed
with, the judge may dispense with the service of the
notice of the application on such person and may hear
the application in his or her absence and without his
or her consent.

s. 13 (1) (b-e),
re-enacted **8.** Clauses *b*, *c*, *d* and *e* of subsection 1 of section 13 of the
said Act are repealed and the following substituted therefor:

(b) where the applicant is married, the name in full
before marriage of the applicant's spouse, and the
date and place of the marriage;

(c) the name in full of the applicant's father and, where
the applicant is married, the name in full of the
father of the spouse of the applicant;

- (d) the maiden name in full of the mother of the applicant and, where the applicant is married, the maiden name in full of the mother of the spouse of the applicant;
- (e) that he has had his ordinary residence in Ontario for a period of not less than one year immediately before making the application.

9. Section 15 of the said Act is amended by adding "and"^{s. 15, amended} at the end of clause *c*, by striking out "and" at the end of clause *d*, and by striking out clause *e*.

10. This Act does not apply in respect of applications for^{Application of Act} change of name filed before this Act comes into force.

11. This Act comes into force on the 1st day of July, 1972.^{Commence-ment}

12. This Act may be cited as *The Change of Name Amend-Short title ment Act, 1972.*

BILL 88

An Act to amend
The Change of Name Act

1st Reading

April 25th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

BILL 88

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 |||

An Act to amend The Change of Name Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 88

1972

An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Change of Name Act*, ^{s. 2 (3),} ^{re-enacted} being chapter 60 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (3) Any person of the full age of eighteen years who effected a change of name in Ontario under a right ^{Application} ^{where name} ^{changed} ^{before} ^{June 26,} ¹⁹³⁹ that existed at law before the 26th day of June, 1939, may make an application under this Act to change his name from the name he bore before the change to the name he bears as a result of the change, as though the change had not been effected.

2. Subsection 1 of section 3 of the said Act is repealed ^{s. 3 (1),} ^{re-enacted} and the following substituted therefor:

- (1) Any person may make an application who has ^{Who may} ^{apply} had his ordinary residence in Ontario for at least one year immediately before making the application and who is at least eighteen years of age.

3. Section 4 of the said Act is repealed and the following ^{s. 4,} ^{re-enacted} substituted therefor:

- 4.—(1) A married person applying for a change of sur- ^{Application} ^{by married} ^{person} name shall also apply for a change of the surnames of his or her spouse and of all unmarried infant children of the husband or of the marriage.

- (2) A married person may apply for a change of the ^{Idem} given names of any or all of his or her unmarried infant children.

4. Subsection 4 of section 6 of the said Act is amended by ^{s. 6 (4),} ^{amended} striking out "Notwithstanding section 3" in the first line.

s. 8,
amended

5. Section 8 of the said Act is amended by striking out "Notwithstanding section 3" in the first line.

s. 9,
repealed

6. Section 9 of the said Act is repealed.

s. 10,
re-enacted

7. Section 10 of the said Act is repealed and the following substituted therefor:

Consent of
spouse and
children

10.—(1) Where an application includes an application for a change of the name of the spouse of the applicant or of any unmarried infant children of the age of fourteen years or over, the consent in writing of all such persons shall be obtained, and all such persons shall appear on the hearing of the application, provided that where the spouses have, in the opinion of the judge been living apart for a period of five years immediately before the application, the judge may hear the application in the absence of and without the consent of the spouse who is not applying, in which case no change of his or her name shall be effected.

Consent of
other parent
or spouse

(2) Where the consent of any person is required under subsection 3 or 4 of section 6 or under section 8, the consent in writing of all such persons shall be obtained, and all such persons shall appear on the hearing of the application.

Dispensing
with consent

(3) Notwithstanding subsection 2, where the judge is satisfied that the other parent in the case of an application under section 6 does not contribute to the support of the applicant or the children on whose behalf the application is made, or cannot be found, or is incapable of giving such consent, or for any reason is a person whose consent ought to be dispensed with, the judge may dispense with the service of the notice of the application on such person and may hear the application in his or her absence and without his or her consent.

s. 13 (1) (b-e),
re-enacted

8. Clauses *b*, *c*, *d* and *e* of subsection 1 of section 13 of the said Act are repealed and the following substituted therefor:

(b) where the applicant is married, the name in full before marriage of the applicant's spouse, and the date and place of the marriage;

(c) the name in full of the applicant's father and, where the applicant is married, the name in full of the father of the spouse of the applicant;

- (d) the maiden name in full of the mother of the applicant and, where the applicant is married, the maiden name in full of the mother of the spouse of the applicant;
- (e) that he has had his ordinary residence in Ontario for a period of not less than one year immediately before making the application.

9. Section 15 of the said Act is amended by adding “and”^{s. 15, amended} at the end of clause *c*, by striking out “and” at the end of clause *d*, and by striking out clause *e*.

10. This Act does not apply in respect of applications for^{Application of Act} change of name filed before this Act comes into force.

11. This Act comes into force on the 1st day of July, 1972.^{Commence-ment}

12. This Act may be cited as *The Change of Name Amend-Short title ment Act, 1972*.

An Act to amend
The Change of Name Act

1st Reading

April 25th, 1972

2nd Reading

May 16th, 1972

3rd Reading

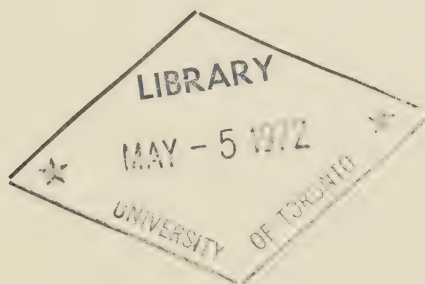
May 16th, 1972

THE HON. D. A. BALES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Professional Engineers Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

At present the head office of the Association of Professional Engineers is required to be in the City of Toronto. The amendment would widen the area to The Municipality of Metropolitan Toronto.

BILL 89

1972

**An Act to amend
The Professional Engineers Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Professional Engineers Act*, being chapter 366 of the Revised Statutes of Ontario, ^{s. 3 (4), re-enacted} 1970, is repealed and the following substituted therefor:

(4) The head office of the Association shall be in The ^{Head office} Municipality of Metropolitan Toronto.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

3. This Act may be cited as *The Professional Engineers* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Professional Engineers Act

1st Reading

April 25th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Professional Engineers Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 89

1972

**An Act to amend
The Professional Engineers Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Professional Engineers Act*, being chapter 366 of the Revised Statutes of Ontario, <sup>s. 3 (4),
re-enacted</sup> 1970, is repealed and the following substituted therefor:

(4) The head office of the Association shall be in The ^{Head office} Municipality of Metropolitan Toronto.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Professional Engineers* ^{Short title} *Amendment Act, 1972*.

BILL 89

An Act to amend
The Professional Engineers Act

1st Reading

April 25th, 1972

2nd Reading

May 16th, 1972

3rd Reading

May 16th, 1972

THE HON. D. A. BALES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The City of The Lakehead Act, 1968-69

THE HON. W. D. McKEOUGH

Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The first council of the City of Thunder Bay was elected in accordance with special provisions to allow each part of the new city to have sufficient representation.

Four members of the council had their seats declared vacant and provision must now be made to permit the holding of elections to fill these four seats.

BILL 90

1972

**An Act to amend
The City of The Lakehead Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The City of The Lakehead Act, 1968-69*, being chapter 56, is repealed and the following substituted therefor:
 - (3) Notwithstanding the provisions of this or any other general or special Act, the Minister by order may provide for the holding of any elections judicially ordered in the year 1972, for members of the council of the City, including establishment of wards within the City, polling day, nomination meetings, appointment of a returning officer, preparation of a voters' list, the qualifications of candidates and electors and any other matters as are deemed necessary in respect of any such election.
2. Section 12 of the said Act is amended by adding thereto the following subsection:
 - (1a) In this section, "Department" means the Ministry of Revenue.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The City of The Lakehead Amendment Act, 1972*.

An Act to amend
The City of The Lakehead Act, 1968-69

1st Reading

April 27th, 1972

2nd Reading

3rd Reading

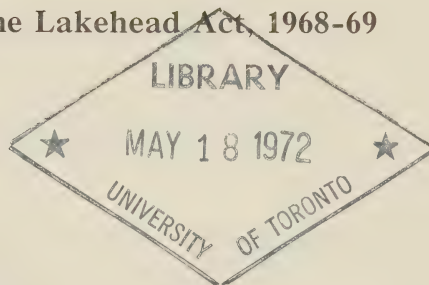
THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)

BILL 90

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The City of The Lakehead Act, 1968-69



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 90

1972

An Act to amend The City of The Lakehead Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The City of The Lakehead* <sup>s. 3 (3),
re-enacted</sup> Act, 1968-69, being chapter 56, is repealed and the following substituted therefor:
 - (3) Notwithstanding the provisions of this or any other <sup>Judicially
ordered
election</sup> general or special Act, the Minister by order may provide for the holding of any elections judicially ordered in the year 1972, for members of the council of the City, including establishment of wards within the City, polling day, nomination meetings, appointment of a returning officer, preparation of a voters' list, the qualifications of candidates and electors and any other matters as are deemed necessary in respect of any such election.
2. Section 12 of the said Act is amended by adding thereto <sup>s. 12,
amended</sup> the following subsection:
 - (1a) In this section, "Department" means the Ministry ^{Interpretation} of Revenue.
3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.
4. This Act may be cited as *The City of The Lakehead* ^{Short title} Amendment Act, 1972.

BILL 90

An Act to amend
The City of The Lakehead Act, 1968-69

1st Reading

April 27th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

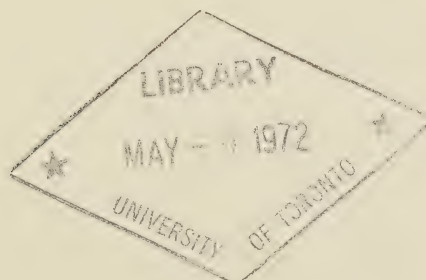
THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Affairs Act

THE HON. W. D. McKEOUGH

Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The effect of the amendment is to permit the Ministry of Treasury, Economics and Intergovernmental Affairs to require the vacating of a tax arrears certificate by a municipality where there has been a failure on its part to notify the Public Trustee of the registration of the tax arrears certificate under subsection 5 of section 47 of the Act.

BILL 91

1972

An Act to amend The Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 1 of section 52 of *The Municipal Affairs Act*, ^{s. 52 (1), amended} being chapter 118 of the Revised Statutes of Ontario, 1970, is amended by inserting after "subsection 4" in the seventh line "or 5".
- 2.** This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}
- 3.** This Act may be cited as *The Municipal Affairs Amend-* ^{Short title}
ment Act, 1972.

An Act to amend
The Municipal Affairs Act

1st Reading

April 27th, 1972

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

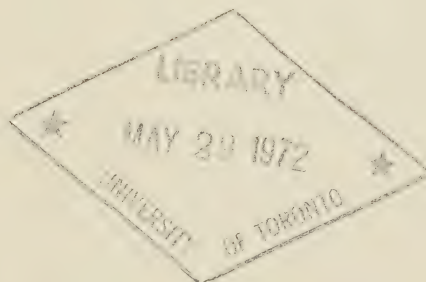
(Government Bill)

BILL 91

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Affairs Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 91

1972

An Act to amend The Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 52 of *The Municipal Affairs Act*, <sup>s. 52 (1),
amended</sup> being chapter 118 of the Revised Statutes of Ontario, 1970, is amended by inserting after "subsection 4" in the seventh line "or 5".
2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.
3. This Act may be cited as *The Municipal Affairs Amend-^{Short title}ment Act, 1972*.

BILL 91

An Act to amend
The Municipal Affairs Act

1st Reading

April 27th, 1972

2nd Reading

May 9th, 1972

3rd Reading

May 11th, 1972

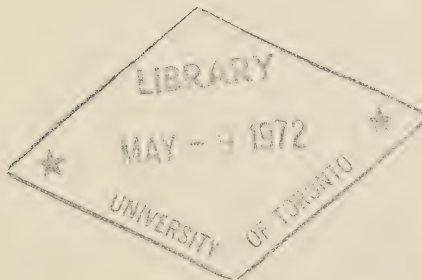
THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Local Improvement Act

THE HON. W. D. McKEOUGH

Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. "Value" is presently defined as the assessed value, exclusive of buildings; the amendment brings the definition into line with the concept of full market value expressed in *The Assessment Act*.

SECTION 2. The amendment is complementary to a recent change in *The Assessment Act* whereby appeals are sent in the first instance to the regional registrar of the Assessment Review Court rather than the assessment commissioner.

BILL 92

1972

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 26 of section 1 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

26. "value" means the assessed value according to the last revised assessment roll of the municipality.

2. Subsection 2 of section 52 of the said Act is amended ^{s. 52 (2), amended} by striking out "assessment commissioner" in the fifth line and inserting in lieu thereof "regional registrar of the Assessment Review Court".

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

4. This Act may be cited as *The Local Improvement Amend-* ^{Short title} *ment Act, 1972.*

An Act to amend
The Local Improvement Act

1st Reading

April 27th, 1972

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Local Improvement Act

THE HON. W. D. McKEOUGH

Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 92

1972

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 26 of section 1 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1, par. 26, re-enacted}

26. "value" means the assessed value according to the last revised assessment roll of the municipality.

2. Subsection 2 of section 52 of the said Act is amended ^{s. 52 (2), amended} by striking out "assessment commissioner" in the fifth line and inserting in lieu thereof "regional registrar of the Assessment Review Court".

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The Local Improvement Amendment Act, 1972*. ^{Short title}

An Act to amend
The Local Improvement Act

1st Reading

April 27th, 1972

2nd Reading

May 9th, 1972

3rd Reading

May 11th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N
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-B 56

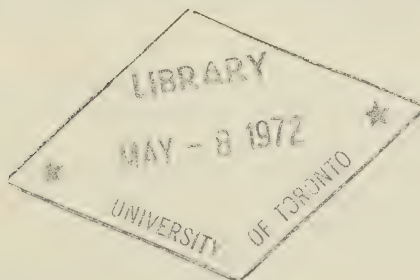
BILL 93

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Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Farm Products Grades and Sales Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



EXPLANATORY NOTES

SECTION 1. Complementary to subsection 2 of section 2.

SECTION 2.—Subsection 1. The authority to make regulations is enlarged.

Subsection 2. Authority is granted to adopt by regulation in whole or in part any grade, standard or grade name established under the *Canada Agricultural Products Standards Act*.

SECTION 3. The re-enacted sections limit the present powers of inspectors under the Act and are brought into line with similar provisions in other Acts under the administration and control of the Minister.

BILL 93

1972

An Act to amend The Farm Products Grades and Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1 (b), re-enacted}

(b) "grade" means, except in subsection 4 of section 2, a grade established under this Act.

2.—(1) Subsection 1 of section 2 of the said Act is amended ^{s. 2 (1), amended} by adding thereto the following clause:

(1a) prescribing the structures, facilities and equipment to be provided and maintained for use in connection with the grading of farm products.

(2) The said section 2 is amended by adding thereto the ^{s. 2, amended} following subsection:

(4) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard or grade name established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard or grade name so adopted, including any such changes. <sup>Authority to adopt grades, etc., by reference
R.S.C. 1970, c. A-8</sup>

3. Sections 6, 7 and 8 of the said Act are repealed and the ^{ss. 6-8, re-enacted} following substituted therefor:

6.—(1) For the purpose of enforcing this Act and the ^{Powers of inspector} regulations, an inspector may,

- (a) enter any premises, other than a dwelling, that he has reason to believe is used for the producing, marketing or processing of any farm product and inspect the premises and any farm product, packages or equipment found therein;
- (b) enter any vessel, boat, car, truck or other conveyance in which he has reason to believe there is any farm product and inspect the vessel, boat, car, truck or other conveyance and any farm product, packages or equipment found therein;
- (c) obtain a sample of any farm product or package thereof at the expense of the owner for the purpose of making an inspection thereof; and
- (d) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom relating to farm products.

Production
of documents

- (2) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

- (3) Where a book, record, document or extract has been photocopied under subsection 2, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 2 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

- (4) Where an inspector makes a demand under clause *d* of subsection 1, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

Detention
for purposes
of
inspection

- 7.—(1) For the purpose of inspecting any farm product or package, an inspector may detain it at the risk and expense of the owner and, after detaining it, the inspector shall forthwith notify the owner or person who had possession of it of the detention.

- (2) Where an inspector detains any farm product or package under subsection 1, he shall, as soon as may be practicable, inspect the farm product or package and shall forthwith thereafter, ^{Inspection after detention}
- (a) release the farm product or package from detention; or
 - (b) detain the farm product or package under subsection 3.
- (3) Any farm product or package in respect of which an inspector believes on reasonable grounds an offence against this Act or the regulations has been committed, may be detained by him at the risk and expense of the owner, and the inspector shall forthwith thereafter notify the owner or the person who had possession thereof of the detention in writing. ^{Notice of detention}
- (4) A notice given by an inspector under subsection 1 shall contain the particulars in respect of which it is alleged the farm product or package does not comply with the Act or the regulations. ^{Notice to contain particulars}
- (5) Where an inspector is satisfied that the owner of the farm product or package that is under detention complies with the Act and the regulations respecting the farm product or package, the inspector shall forthwith release them from detention. ^{Release from detention}
- (6) Where a person is convicted of an offence against this Act or the regulations in respect of any farm product or package detained under subsection 3, the convicting judge may declare such farm product or package to be forfeited to Her Majesty, whereupon it may be destroyed or otherwise disposed of as the Minister directs. ^{Forfeiture}
- (7) No person shall, without approval in writing by an inspector, sell, offer for sale, move, ship or transport a farm product or package that is under detention. ^{Prohibition against sale, etc.}
- (8) Where any farm product is detained under subsection 1 or 3, the farm product shall be detained in the place where it was found by the inspector and shall, while under detention, ^{Place where detained product to be kept}
- (a) be kept in such place; or
 - (b) be kept in such other place as it may be moved to with the approval in writing of an inspector pursuant to subsection 7.

Obstruction
of inspector
or grader

8. No person shall hinder or obstruct an inspector or grader in the course of his duties or furnish an inspector or grader with false information or refuse to permit any farm product to be inspected or refuse to furnish an inspector or grader with information.

s. 10,
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Offences

- 10.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a subsequent offence.

Idem

- (2) Every person who contravenes any of the provisions of section 8 is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$1,000.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1972*.

SECTION 4. The minimum and maximum penalties for a first offence under the Act or the regulations are increased from \$10 and \$50 to \$25 and \$100 respectively.

An Act to amend
The Farm Products Grades and Sales Act

1st Reading

April 27th, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

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BILL 93

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Farm Products Grades and Sales Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 93

1972

An Act to amend The Farm Products Grades and Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:^{s. 1 (b), re-enacted}

(b) "grade" means, except in subsection 4 of section 2, a grade established under this Act.

2.—(1) Subsection 1 of section 2 of the said Act is amended^{s. 2 (1), amended} by adding thereto the following clause:

(1a) prescribing the structures, facilities and equipment to be provided and maintained for use in connection with the grading of farm products.

(2) The said section 2 is amended by adding thereto the^{s. 2, amended} following subsection:

(4) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard or grade name established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard or grade name so adopted, including any such changes.<sup>Authority to adopt grades, etc., by reference
R.S.C. 1970, c. A-8</sup>

3. Sections 6, 7 and 8 of the said Act are repealed and the^{ss. 6-8, re-enacted} following substituted therefor:

6.—(1) For the purpose of enforcing this Act and the^{Powers of inspector} regulations, an inspector may,

- (a) enter any premises, other than a dwelling, that he has reason to believe is used for the producing, marketing or processing of any farm product and inspect the premises and any farm product, packages or equipment found therein;
- (b) enter any vessel, boat, car, truck or other conveyance in which he has reason to believe there is any farm product and inspect the vessel, boat, car, truck or other conveyance and any farm product, packages or equipment found therein;
- (c) obtain a sample of any farm product or package thereof at the expense of the owner for the purpose of making an inspection thereof; and
- (d) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom relating to farm products.

Production
of documents

- (2) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

- (3) Where a book, record, document or extract has been photocopied under subsection 2, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 2 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

- (4) Where an inspector makes a demand under clause *d* of subsection 1, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

Detention
for purposes
of
inspection

- 7.—(1) For the purpose of inspecting any farm product or package, an inspector may detain it at the risk and expense of the owner and, after detaining it, the inspector shall forthwith notify the owner or person who had possession of it of the detention.

- (2) Where an inspector detains any farm product or package under subsection 1, he shall, as soon as may be practicable, inspect the farm product or package and shall forthwith thereafter,
- (a) release the farm product or package from detention; or
 - (b) detain the farm product or package under subsection 3.
- (3) Any farm product or package in respect of which an inspector believes on reasonable grounds an offence against this Act or the regulations has been committed, may be detained by him at the risk and expense of the owner, and the inspector shall forthwith thereafter notify the owner or the person who had possession thereof of the detention in writing.
- (4) A notice given by an inspector under subsection 3 shall contain the particulars in respect of which it is alleged the farm product or package does not comply with the Act or the regulations.
- (5) Where an inspector is satisfied that the owner of the farm product or package that is under detention complies with the Act and the regulations respecting the farm product or package, the inspector shall forthwith release them from detention.
- (6) Where a person is convicted of an offence against this Act or the regulations in respect of any farm product or package detained under subsection 3, the convicting judge may declare such farm product or package to be forfeited to Her Majesty, whereupon it may be destroyed or otherwise disposed of as the Minister directs.
- (7) No person shall, without approval in writing by an inspector, sell, offer for sale, move, ship or transport a farm product or package that is under detention.
- (8) Where any farm product is detained under subsection 1 or 3, the farm product shall be detained in the place where it was found by the inspector and shall, while under detention,
- (a) be kept in such place; or
 - (b) be kept in such other place as it may be moved to with the approval in writing of an inspector pursuant to subsection 7.

Obstruction
of inspector
or grader

8. No person shall hinder or obstruct an inspector or grader in the course of his duties or furnish an inspector or grader with false information or refuse to permit any farm product to be inspected or refuse to furnish an inspector or grader with information.

s. 10,
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Offences

- 10.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a subsequent offence.

Idem

- (2) Every person who contravenes any of the provisions of section 8 is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$1,000.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1972*.

BILL 93

An Act to amend
The Farm Products Grades and Sales Act

1st Reading

April 27th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N
XB
-B 56

Government
Publications

BILL 94

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting
the Installation of Agricultural Tile Drainage**

THE HON. W. A. STEWART
Minister of Agriculture and Food



EXPLANATORY NOTES

The Bill establishes a system that provides for the licensing of contractors, equipment operators and equipment used in the installation of agricultural tile drainage.

An appeal from the refusal to issue or renew a licence or from the suspension or revocation of a licence is provided to the Agricultural Tile Drainage Licence Review Board and from that board to the Supreme Court.

Provision is made for the inspection of drainage works and regulations will prescribe the facilities and equipment required, the standards and procedures for the installation of drainage works, the performance standards for equipment, and related matters.

An Act respecting the Installation of Agricultural Tile Drainage

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Agricultural Tile Drainage Licence Review Board established by this Act;
- (b) "Director" means the Director appointed for the purpose of this Act;
- (c) "drainage work" means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "licence" means a licence under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "regulations" means the regulations made under this Act.

2.—(1) No person shall carry on the business of installing ^{Licences} a drainage work unless he is the holder of a licence for such purpose from the Director.

(2) No person shall be the operator of a machine used in ^{Idem} installing a drainage work unless he is the holder of a licence for such purpose from the Director.

Idem

(3) No person shall use, or permit or cause to be used, in installing a drainage work a machine unless the owner of the machine has obtained a licence therefor from the Director and the licence is attached to and exposed on the machine.

Non-application of Act

3. Where a person performs the installation of a drainage work on agricultural land owned or occupied by him, this Act does not apply.

Issue of licence

4.—(1) The Director shall issue a licence to carry on the business of installing drainage works to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all facilities and equipment necessary to carry on the business in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

Idem

(2) The Director shall issue a licence to be the operator of a machine used in installing drainage works to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant is not competent to operate the machinery or class thereof in respect of which the application is made;
- (b) the applicant has not attended the courses of instruction and passed the examinations prescribed in the regulations for the class of licence applied for;
- (c) the applicant has not completed the in-service training period prescribed in the regulations for the class of licence applied for; or

- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(3) The Director shall issue a licence for a machine used in ^{Idem} installing drainage works on application therefor by the owner and payment of the prescribed fee unless, after a hearing, he is of opinion that the machine,

- (a) is not properly designed, constructed or equipped for the purposes for which it will be used;
- (b) is not in good working order; or
- (c) does not comply with performance standards prescribed in the regulations.

(4) Subject to section 5, the Director shall renew a licence ^{Renewal of licence} that is or has expired, on application by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

5.—(1) The Director may refuse to renew or may suspend ^{Refusal to renew licence, suspension or revocation} or revoke a licence to carry on the business of installing drainage works if, after a hearing, he is of opinion that,

- (a) the facilities and equipment used in the business do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations and such contravention warrants refusal to renew, suspension or revocation of the licence; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

(2) The Director may refuse to renew or may suspend or ^{Idem} revoke a licence to be the operator of a machine used in installing drainage works if, after a hearing, he is of opinion that,

- (a) the licensee has contravened or has permitted any person under his control or direction in connection with the operation of the machine to contravene any provision of this Act or the regulations and such contravention warrants a refusal to renew, suspension or revocation; or

- (b) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Idem

(3) The Director may refuse to renew or may suspend or revoke a licence for a machine used in installing drainage works if, after a hearing, he is of opinion that,

- (a) any ground for refusing to issue a licence exists;
- (b) the owner or any other person permitted to have the control or use of the machine has contravened any provisions of this Act or the regulations and such contravention warrants a refusal to renew, suspension or revocation; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Continuation
of licence
pending
renewal

(4) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and has paid the prescribed fee and observed and carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

6.—(1) The Notice of a hearing by the Director under section 4 or 5 shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of
decision by
Director

7. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review
Board
established

8.—(1) A board to be known as the "Agricultural Tile Drainage Licence Review Board" is hereby established and

shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

(2) A member of the Board shall hold office for not more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. ^{Chairman, etc.}

(4) A majority of the members of the Board constitutes a quorum. ^{Quorum}

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}

9.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board. ^{Appeal to Board}

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. ^{Extension of time for appeal}

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director. ^{Disposal of appeal}

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. ^{Effect of decision pending disposal of appeal}

10.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. ^{Parties}

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all persons so present participate in the decision.

Appeal to court

11.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of Court.

Minister entitled to be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to be filed in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Effect of
decision of
Board,
pending
disposal of
appeal

12.—(1) For the purposes of this Act, the Minister may appoint a Director and one or more inspectors.

Appointment
of Director
and
inspectors

(2) For the purposes of carrying out his duties under this Act, an inspector may at any time between sunrise and sunset enter any premises or building other than a dwelling house, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

Powers of
inspector

R.S.O. 1970,
c. 450

(3) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate of
appointment

13. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Obstruction

14. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

Offence

15. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for the manner of issuing licences and prescribing their duration, the fees payable therefor and the terms and conditions on which they are issued;
- (b) prescribing grounds for refusal to renew, suspension or revocation of licences in addition to the grounds mentioned in section 5;
- (c) establishing classes of machine operators and prescribing the qualifications for each class and the duties that may be performed by each class;
- (d) providing for courses of instruction and examinations and requiring licence holders or applicants for a licence under this Act to attend such courses and pass such examinations;

- (e) prescribing the facilities and equipment to be provided by persons engaged in the business of installing drainage works;
- (f) prescribing standards and procedures for the installation of drainage works;
- (g) prescribing performance standards for machines used in installing drainage works;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

17. This Act may be cited as *The Agricultural Tile Drainage Installation Act, 1972*.

BILL 94

An Act respecting
the Installation of
Agricultural Tile Drainage

1st Reading

April 27th, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

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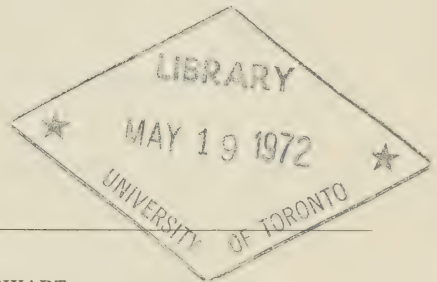
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BILL 94

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

**An Act respecting
the Installation of Agricultural Tile Drainage**



THE HON. W. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act respecting the Installation of Agricultural Tile Drainage

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Agricultural Tile Drainage Licence Review Board established by this Act;
- (b) "Director" means the Director appointed for the purpose of this Act;
- (c) "drainage work" means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "licence" means a licence under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "regulations" means the regulations made under this Act.

2.—(1) No person shall carry on the business of installing ^{Licences} a drainage work unless he is the holder of a licence for such purpose from the Director.

(2) No person shall be the operator of a machine used in ^{Idem} installing a drainage work unless he is the holder of a licence for such purpose from the Director.

Idem

(3) No person shall use, or permit or cause to be used, in installing a drainage work a machine unless the owner of the machine has obtained a licence therefor from the Director and the licence is attached to and exposed on the machine.

Non-application of Act

3. Where a person performs the installation of a drainage work on agricultural land owned or occupied by him, this Act does not apply.

Issue of licence

4.—(1) The Director shall issue a licence to carry on the business of installing drainage works to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all facilities and equipment necessary to carry on the business in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

Idem

(2) The Director shall issue a licence to be the operator of a machine used in installing drainage works to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant is not competent to operate the machinery or class thereof in respect of which the application is made;
- (b) the applicant has not attended the courses of instruction and passed the examinations prescribed in the regulations for the class of licence applied for;
- (c) the applicant has not completed the in-service training period prescribed in the regulations for the class of licence applied for; or

- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(3) The Director shall issue a licence for a machine used in ^{Idem} installing drainage works on application therefor by the owner and payment of the prescribed fee unless, after a hearing, he is of opinion that the machine,

- (a) is not properly designed, constructed or equipped for the purposes for which it will be used ;
- (b) is not in good working order ; or
- (c) does not comply with performance standards prescribed in the regulations.

(4) Subject to section 5, the Director shall renew a licence ^{Renewal of licence} that is or has expired, on application by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

5.—(1) The Director may refuse to renew or may suspend ^{Refusal to renew licence, suspension or revocation} or revoke a licence to carry on the business of installing drainage works if, after a hearing, he is of opinion that,

- (a) the facilities and equipment used in the business do not comply with this Act and the regulations ;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations and such contravention warrants refusal to renew, suspension or revocation of the licence ; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

(2) The Director may refuse to renew or may suspend or ^{Idem} revoke a licence to be the operator of a machine used in installing drainage works if, after a hearing, he is of opinion that,

- (a) the licensee has contravened or has permitted any person under his control or direction in connection with the operation of the machine to contravene any provision of this Act or the regulations and such contravention warrants a refusal to renew, suspension or revocation ; or

- (b) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.
- Idem (3) The Director may refuse to renew or may suspend or revoke a licence for a machine used in installing drainage works if, after a hearing, he is of opinion that,
- (a) any ground for refusing to issue a licence exists;
- (b) the owner or any other person permitted to have the control or use of the machine has contravened any provisions of this Act or the regulations and such contravention warrants a refusal to renew, suspension or revocation; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.
- Continuation of licence pending renewal (4) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and has paid the prescribed fee and observed and carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.
- Notice of hearing **6.**—(1) The Notice of a hearing by the Director under section 4 or 5 shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.
- Examination of documentary evidence (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- Variation of decision by Director **7.** Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.
- Review Board established **8.**—(1) A board to be known as the “Agricultural Tile Drainage Licence Review Board” is hereby established and

shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

(2) A member of the Board shall hold office for not more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. ^{Chairman, etc.}

(4) A majority of the members of the Board constitutes a quorum. ^{Quorum}

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}

9.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board. ^{Appeal to Board}

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. ^{Extension of time for appeal}

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director. ^{Disposal of appeal}

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. ^{Effect of decision pending disposal of appeal}

10.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. ^{Parties}

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all persons so present participate in the decision.

Appeal to court

11.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of Court.

Minister entitled to be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to be filed in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Effect of
decision of
Board
pending
disposal of
appeal

12.—(1) For the purposes of this Act, the Minister may appoint a Director and one or more inspectors.

Appointment
of Director
and
inspectors

(2) For the purposes of carrying out his duties under this Act, an inspector may at any time between sunrise and sunset enter any premises or building other than a dwelling house, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

Powers of
inspector

R.S.O. 1970,
c. 450

(3) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate of
appointment

13. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Obstruction

14. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

Offence

15. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for the manner of issuing licences and prescribing their duration, the fees payable therefor and the terms and conditions on which they are issued;
- (b) prescribing grounds for refusal to renew, suspension or revocation of licences in addition to the grounds mentioned in section 5;
- (c) establishing classes of machine operators and prescribing the qualifications for each class and the duties that may be performed by each class;
- (d) providing for courses of instruction and examinations and requiring licence holders or applicants for a licence under this Act to attend such courses and pass such examinations;

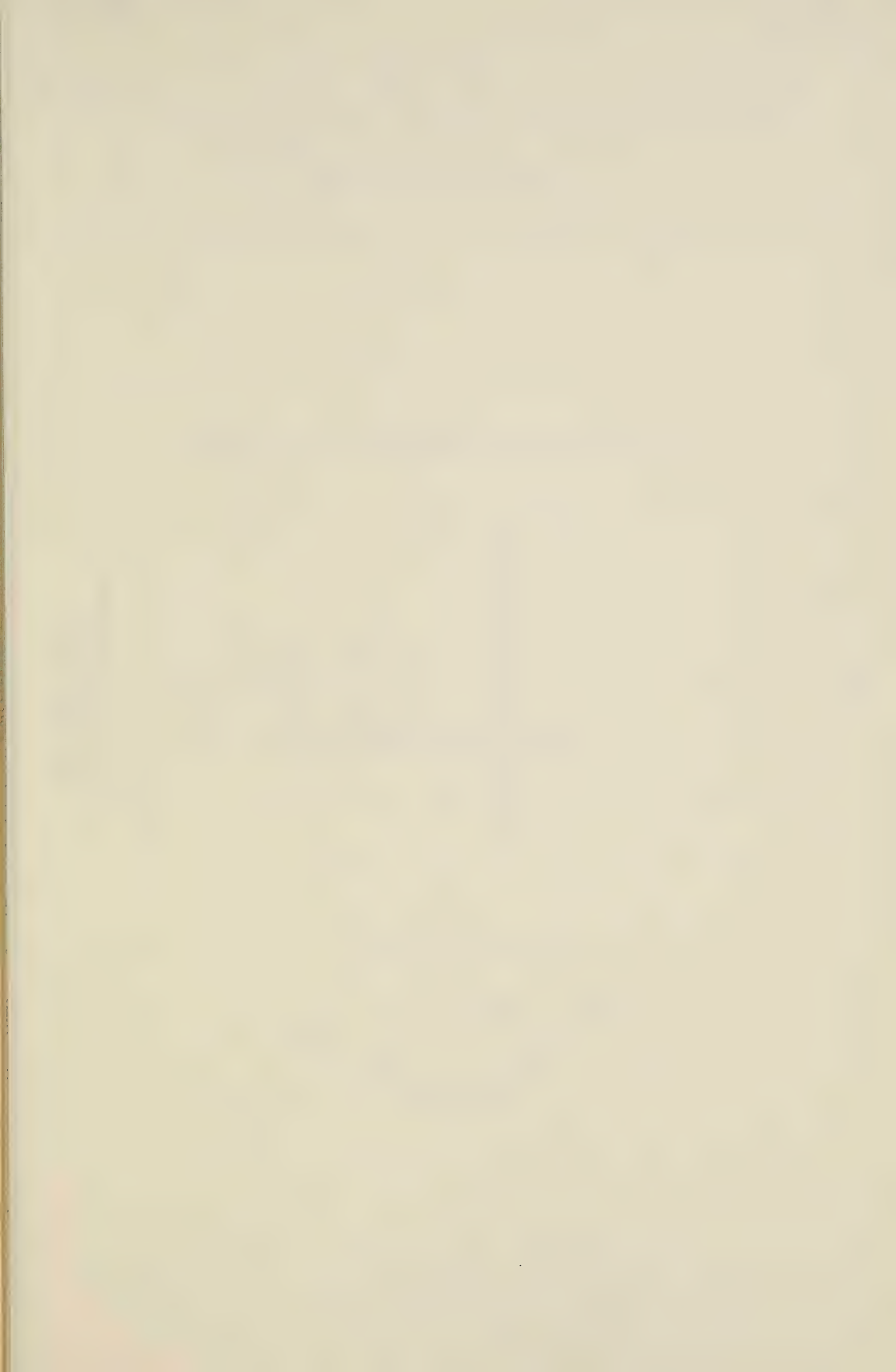
- (e) prescribing the facilities and equipment to be provided by persons engaged in the business of installing drainage works;
- (f) prescribing standards and procedures for the installation of drainage works;
- (g) prescribing performance standards for machines used in installing drainage works;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment \

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

17. This Act may be cited as *The Agricultural Tile Drainage Installation Act, 1972*.



An Act respecting
the Installation of
Agricultural Tile Drainage

1st Reading

April 27th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

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Government
Publications

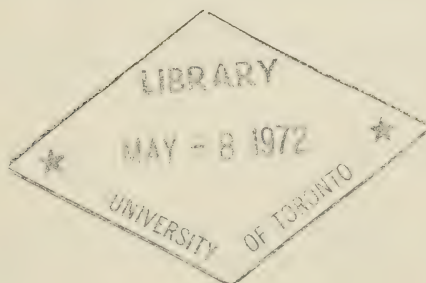
BILL 95

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Weed Control Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



EXPLANATORY NOTES

SECTION 1. Section 1 of the Act is revised in conformity with the following sections of the Bill.

An Act to amend The Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Weed Control Act*, being chapter 493 of ^{s. 1, re-enacted} the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 87, subsection 1, is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "area weed inspector" means a person appointed under section 6 to enforce this Act;
- (b) "chief inspector" means the chief inspector appointed under this Act;
- (c) "Director" means the Director appointed under this Act;
- (d) "district weed inspector" means a district weed inspector appointed under this Act;
- (e) "inspector" means an area weed inspector, district weed inspector or municipal weed inspector;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "municipal weed inspector" means a person appointed under section 8 to enforce this Act;
- (h) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (i) "owner" means the person shown as the owner of property on the last revised assessment roll

of the municipality in which the property is located;

(j) "regulations" means the regulations made under this Act;

(k) "weed seed" means the seed of a noxious weed.

s. 4 (2),
repealed

2. Subsection 2 of section 4 of the said Act is repealed.

s. 5 (2),
repealed

3. Subsection 2 of section 5 of the said Act is repealed.

ss. 6, 7, 8,
re-enacted

4. Sections 6, 7 and 8 of the said Act are repealed and the following substituted therefor:

Appointment
of inspectors
in counties
and regional
municipalities

6.—(1) The council of every county and regional municipality shall by by-law appoint one or more persons as area weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation.

Division of
municipality
into areas

(2) Any such council may divide the municipality into areas and appoint one or more area weed inspectors for each area.

Failure
to appoint
inspectors

(3) Where a council fails to appoint an area weed inspector under subsection 1, the Minister may appoint the area weed inspector and fix his remuneration or other compensation and shall notify the council of the appointment in writing and the treasurer of the municipality shall pay the remuneration or other compensation so fixed.

Clerk to
report
inspectors

7.—(1) The clerk of each county and regional municipality shall, before the 1st day of April in each year, state in writing to the chief inspector the name and address of every area weed inspector for the municipality under this Act and the area for which each area weed inspector is appointed.

Idem

(2) Where the council of a county or regional municipality passes a by-law under this Act on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law state in writing to the chief inspector the name and address of every area weed inspector appointed and the area for which the appointment is made.

Idem

(3) Where any area weed inspector resigns or the council revokes his appointment, the clerk of the municipality

SECTION 2. The subsection requires a person in possession of land abutting a natural body of water to destroy all noxious weeds growing next to the water.

SECTION 3. The subsection provides for the withholding of moneys otherwise payable out of the Consolidated Revenue Fund to a road authority that does not destroy noxious weeds on land under its jurisdiction.

SECTION 4. The new sections 6, 7 and 8 require the appointment of area weed inspectors by the councils of counties and regional municipalities and provide for the appointment of municipal weed inspectors by the councils of other municipalities. The new section 8 also provides for the designation of local weeds by by-laws passed by the councils of municipalities, subject to the approval of the Minister. Subsection 4 of the new section 8 provides that a local weed so designated is deemed to be a noxious weed within the area to which the by-law applies.

SECTION 5. Section 14 of the Act is amended to ensure that area weed inspectors may only be compelled to act where a municipality does not have a municipal weed inspector.

shall within seven days of the resignation or revocation, as the case may be, state the particulars thereof in writing to the chief inspector.

- 8.—(1) The council of any municipality not referred to ^{Appointment of inspectors in cities, etc.} in subsection 1 of section 6 may by by-law appoint one or more persons as municipal weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation.
- (2) Where persons are appointed as municipal weed in- ^{Co-operation with area weed inspector} spectors under subsection 1, they shall carry out their duties in co-operation with the area weed inspector and the area weed inspector may, when he considers it necessary, exercise all the powers of an inspector under this Act in that municipality.
- (3) Where the council of a municipality has appointed a ^{Designation of local weed by municipal by-law} municipal weed inspector under subsection 1, it may by by-law designate any plant that is not a noxious weed as a local weed in respect of the whole or any part of the municipality.
- (4) For the purposes of this Act, a plant that is designated ^{Effect of designation} as a local weed under subsection 3 shall be deemed to be a noxious weed within the area to which the by-law applies.
- (5) A by-law passed under subsection 3 does not take ^{Approval of by-laws} effect until it is approved by the Minister.

5. Section 14 of the said Act is amended by striking out ^{s. 14. amended} “inspectors or the county” in the fourth line and inserting in lieu thereof “municipal weed inspectors or, where there are no municipal weed inspectors, the area” and by striking out “*The Assessment Act*” in the fifteenth line and inserting in lieu thereof “*The Municipal Act*”, so that the section shall read as follows:

14. Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation in the municipality, may direct any of its municipal weed inspectors or, where there are no municipal weed inspectors, the area weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding ten acres, whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the in- ^{Destruction of weeds in subdivided areas}

R.S.O. 1970,
cc. 284, 32

spector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Municipal Act*, subject to an appeal to the Assessment Review Court, in the same manner as for taxes under section 76 of *The Assessment Act*.

s. 19,
re-enacted

6.—(1) Section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 87, subsection 4, is repealed and the following substituted therefor:

Exception

19. Sections 4, 11, 14 and 15 do not apply to noxious weeds or weed seeds that are so far distant from any place used for agricultural or horticultural purposes that the noxious weeds or weed seeds can have no material effect on the agricultural or horticultural use of such place.

ss. 19a-19h,
repealed

(2) Sections 19a to 19h of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 87, subsection 4, are repealed.

s. 20 (1),
re-enacted

7. Subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:

Offence

(1) Every person who contravenes any of the provisions of this Act or of the regulations, or of any order made under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$100.

s. 21 (a),
re-enacted

8.—(1) Clause a of section 21 of the said Act is repealed and the following substituted therefor:

(a) designating plants as noxious weeds.

s. 21 (e, f),
repealed

(2) Clauses e and f of the said section 21 are repealed.

s. 21 (g),
re-enacted

(3) Clause g of the said section 21 is repealed and the following substituted therefor:

(g) providing for the reimbursement of counties, regional municipalities and municipalities in territorial districts by the Province of Ontario for any part of the

SECTION 6. Sections 19 to 19*h* of the Act, providing for the licensing of seed cleaning plants, are repealed. The new section 19 provides that the provisions of the Act relating to the destruction of growing weeds do not apply where the weeds will not materially affect the agricultural or horticultural use of land.

SECTION 7. The maximum fine for a first offence and the minimum fine for a second or subsequent offence are increased from \$25 to \$50.

SECTION 8.—Subsection 1. The amendment is complementary to the new section 8. The designation of plants as local weeds will be by municipal by-law rather than by regulation as presently provided.

Subsection 2. Clauses *e* and *f* of section 21 related to the licensing of seed cleaning plants. The revocation of these clauses is complementary to the revocation of sections 19 to 19*h* that deal with these plants.

Subsection 3. Clause *g* of section 21 is amended to provide for the reimbursement of municipalities in territorial districts and of those municipalities required to appoint inspectors under section 6 and to provide for limits for such reimbursement.

moneys expended under this Act and prescribing limits on amounts reimbursed.

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}_{ment}

10. This Act may be cited as *The Weed Control Amendment* ^{Short title}
Act, 1972.

An Act to amend
The Weed Control Act

1st Reading

April 27th, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

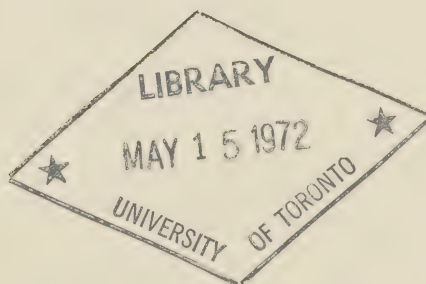
(Government Bill)

BILL 95

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Weed Control Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Weed Control Act

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1. Section 1 of *The Weed Control Act*, being chapter 493 of ^{s. 1, re-enacted} the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 87, subsection 1, is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "area weed inspector" means a person appointed under section 6 to enforce this Act;
- (b) "chief inspector" means the chief inspector appointed under this Act;
- (c) "Director" means the Director appointed under this Act;
- (d) "district weed inspector" means a district weed inspector appointed under this Act;
- (e) "inspector" means an area weed inspector, district weed inspector or municipal weed inspector;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "municipal weed inspector" means a person appointed under section 8 to enforce this Act;
- (h) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (i) "owner" means the person shown as the owner of property on the last revised assessment roll

of the municipality in which the property is located;

(j) "regulations" means the regulations made under this Act;

(k) "weed seed" means the seed of a noxious weed.

s. 4 (2),
repealed

2. Subsection 2 of section 4 of the said Act is repealed.

s. 5 (2),
repealed

3. Subsection 2 of section 5 of the said Act is repealed.

ss. 6, 7, 8,
re-enacted

4. Sections 6, 7 and 8 of the said Act are repealed and the following substituted therefor:

Appointment
of inspectors
in counties
and regional
municipi-
palities

6.—(1) The council of every county and regional municipality shall by by-law appoint one or more persons as area weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation.

Division of
municipality
into areas

(2) Any such council may divide the municipality into areas and appoint one or more area weed inspectors for each area.

Failure
to appoint
inspectors

(3) Where a council fails to appoint an area weed inspector under subsection 1, the Minister may appoint the area weed inspector and fix his remuneration or other compensation and shall notify the council of the appointment in writing and the treasurer of the municipality shall pay the remuneration or other compensation so fixed.

Clerk to
report
inspectors

7.—(1) The clerk of each county and regional municipality shall, before the 1st day of April in each year, state in writing to the chief inspector the name and address of every area weed inspector for the municipality under this Act and the area for which each area weed inspector is appointed.

Idem

(2) Where the council of a county or regional municipality passes a by-law under this Act on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law state in writing to the chief inspector the name and address of every area weed inspector appointed and the area for which the appointment is made.

Idem

(3) Where any area weed inspector resigns or the council revokes his appointment, the clerk of the municipality

shall within seven days of the resignation or revocation, as the case may be, state the particulars thereof in writing to the chief inspector.

- 8.—(1) The council of any municipality not referred to in subsection 1 of section 6 may by by-law appoint one or more persons as municipal weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation. Appointment of inspectors in cities, etc.
- (2) Where persons are appointed as municipal weed inspectors under subsection 1, they shall carry out their duties in co-operation with the area weed inspector and the area weed inspector may, when he considers it necessary, exercise all the powers of an inspector under this Act in that municipality. Co-operation with area weed inspector
- (3) Where the council of a municipality has appointed a municipal weed inspector under subsection 1, it may by by-law designate any plant that is not a noxious weed as a local weed in respect of the whole or any part of the municipality. Designation of local weed by municipal by-law
- (4) For the purposes of this Act, a plant that is designated as a local weed under subsection 3 shall be deemed to be a noxious weed within the area to which the by-law applies. Effect of designation
- (5) A by-law passed under subsection 3 does not take effect until it is approved by the Minister. Approval of by-laws

5. Section 14 of the said Act is amended by striking out “inspectors or the county” in the fourth line and inserting in lieu thereof “municipal weed inspectors or, where there are no municipal weed inspectors, the area” and by striking out “*The Assessment Act*” in the fifteenth line and inserting in lieu thereof “*The Municipal Act*”, so that the section shall read as follows: s. 14, amended

14. Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation in the municipality, may direct any of its municipal weed inspectors or, where there are no municipal weed inspectors, the area weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding ten acres, whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the in- Destruction of weeds in subdivided areas

R.S.O. 1970,
cc. 284, 32

spectator shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Municipal Act*, subject to an appeal to the Assessment Review Court, in the same manner as for taxes under section 76 of *The Assessment Act*.

s. 19,
re-enacted

6.—(1) Section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 87, subsection 4, is repealed and the following substituted therefor:

Exception

19. Sections 4, 11, 14 and 15 do not apply to noxious weeds or weed seeds that are so far distant from any place used for agricultural or horticultural purposes that the noxious weeds or weed seeds can have no material effect on the agricultural or horticultural use of such place.

ss. 19a-19h,
repealed

(2) Sections 19a to 19h of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 87, subsection 4, are repealed.

s. 20 (1),
re-enacted

7. Subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:

Offence

(1) Every person who contravenes any of the provisions of this Act or of the regulations, or of any order made under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$100.

s. 21 (a),
re-enacted

8.—(1) Clause *a* of section 21 of the said Act is repealed and the following substituted therefor:

(a) designating plants as noxious weeds.

s. 21 (e, f),
repealed

(2) Clauses *e* and *f* of the said section 21 are repealed.

s. 21 (g),
re-enacted

(3) Clause *g* of the said section 21 is repealed and the following substituted therefor:

(g) providing for the reimbursement of counties, regional municipalities and municipalities in territorial districts by the Province of Ontario for any part of the

moneys expended under this Act and prescribing limits on amounts reimbursed.

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

10. This Act may be cited as *The Weed Control Amendment Act, 1972*. ^{Short title}

An Act to amend
The Weed Control Act

1st Reading

April 27th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

BILL 96

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Insurance Act

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment extends the definition of hail insurance to cover crops in the field after they are cut.

Subsection 2. The amendment to the definition of marine insurance is complementary to a Bill to amend *The Marine Insurance Act* extending coverage to voyages solely on inland waters and to incidental air risks.

Subsection 3. Fees for administration costs and other servicing charges are included in the term premium and counted in the computation of premium tax.

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 26 of section 1 of *The Insurance Act*, ^{s. 1, par. 26, re-enacted} being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

26. “hail insurance” means insurance against loss of or damage to crops in the field, whether growing or cut, caused by hail.

(2) Paragraph 38 of the said section 1 is repealed and ^{s. 1, par. 38, re-enacted} the following substituted therefor:

38. “marine insurance” means insurance against,

(a) liability arising out of,

(i) bodily injury to or death of a person,
or

(ii) the loss of or damage to properties; or

(b) the loss of or damage to property,

occurring during a voyage or marine adventure at sea or on an inland waterway or during delay incidental thereto, or during transit otherwise than by water incidental to such a voyage or marine adventure.

(3) Paragraph 52 of the said section 1 is repealed and ^{s. 1, par. 52, re-enacted} the following substituted therefor:

52. “premium” means the single or periodical payment under a contract for insurance, and includes dues, assessments, administration or fees paid for the administration or servicing of such contract, and other considerations.

s. 16 (1),
amended

2. Subsection 1 of section 16 of the said Act is amended by inserting after "upon" in the third line "the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon", so that the subsection shall read as follows:

Service of
notice or
process on
chief agent

- (1) Where the head office of a licensed insurer is situate out of Ontario, notice or process in any action or proceeding in Ontario may be served upon the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon the Superintendent and such service shall be deemed service upon the insurer in the case of a corporation and upon members of the insurer in the case of an unincorporated body or association.

s. 30 (1),
amended

3. Subsection 1 of section 30 of the said Act is amended by adding thereto the following paragraph:

- 3a. If the head office of the insurer is out of Ontario, a power of attorney from the insurer to an agent resident in Ontario.

s. 32a,
enacted

4. The said Act is amended by adding thereto the following section:

Appointment
of chief
agent

- 32a.—(1) Where an insurer makes application for a licence, or a renewal of its licence, and has its head office outside Ontario, the application shall be accompanied by an executed copy of a power of attorney from the insurer to a chief agent resident in Ontario.

Execution
of power of
attorney

- (2) The power of attorney shall be under the seal of the insurer, and shall be signed by the president and secretary or other proper officers of the insurer in the presence of a witness who shall make oath as to its due execution.

Authentica-
tion

- (3) The official positions held by the officers signing the power of attorney shall be verified by an oath of a person cognizant of the fact.

Contents of
power of
attorney

- (4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is and shall expressly authorize the chief agent to receive service of process in all actions and proceedings against the insurer in Ontario for any liability incurred by the insurer therein, and also to receive from the Superintendent all notices that the law requires to be given, or that it is thought advisable

SECTIONS 2, 3, AND 4. The amendment requires insurers having head offices outside Ontario to appoint a chief agent in Ontario for the purposes of dealing with the Superintendent as attorney for the insurer.

SECTION 5. The age of consent for beneficiaries under a life insurance contract is changed from 21 years to 18.

SECTIONS 6, 7. The amendments recognize 18 years as the age of majority.

SECTION 8. The prohibition against driving while under the influence of liquor or drugs is removed for insurance purposes.

to give, and shall declare that service of process for or in respect of such liability on the chief agent is legal and binding on the insurer.

- (5) The power of attorney may confer upon the chief agent any further or other powers that the insurer considers advisable. Authority conferred
- (6) The production of a copy of the power of attorney certified by the Superintendent is sufficient evidence for all purposes of the power and authority of the person therein named to act on behalf of the insurer in the manner and for the purposes set forth in the certified copy. Effect of copy as evidence
- (7) Where the insurer changes its chief agent in Ontario, it shall, within seven days of the appointment, file with the Superintendent a similar power of attorney, stating the change and containing a similar declaration as to service of process and notices. Changes in chief agent
- (8) After the power of attorney is filed, any process in any action or proceeding against the insurer for liability incurred in Ontario may be validly served on the insurer upon its chief agent, but nothing in this section renders invalid service in any other modes in which the corporation may be lawfully served. Service of process thereafter

5. Clause *b* of section 171 of the said Act is amended by striking out "twenty-one" in the second line and inserting in lieu thereof "eighteen". s. 171 (b), amended

6. Section 176 of the said Act is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "eighteen". s. 176, amended

7. Section 177 of the said Act is repealed. s. 177, repealed

8. Statutory condition 2 in section 205 of the said Act is repealed and the following substituted therefor: s. 205 Stat. cond. 2, re-enacted

**Prohibited
use by
Insured**

2.—(1) The insured shall not drive or operate the automobile,

- (a) unless he is for the time being either authorized by law or qualified to drive or operate the automobile; or
- (b) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

- (c) while he is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (d) for any illicit or prohibited trade or transportation; or
- (e) in any race or speed test.

**Prohibited
use by
others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile,

- (a) by any person,
 - (i) unless that person is for the time being either authorized by law or qualified to drive or operate the automobile, or
 - (ii) while that person is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (b) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

s. 225 (9),
re-enacted

9. Subsection 9 of section 225 of the said Act is repealed and the following substituted therefor:

Defence to
excess limits
claim
relating to
section 217
coverage

- (9) Notwithstanding anything contained therein to the contrary, every contract evidenced by a motor vehicle liability policy shall, for the purposes of this section, be deemed to provide all the types of coverage mentioned in section 217, but the insurer is not liable to a claimant with respect to such coverage in excess of the limits mentioned in section 218.

SECTION 9. The amendment includes gratuitous passengers in the category of third persons in respect of whom there is full coverage.

SECTION 10. The amendments recognize 18 years as the age of majority.

SECTION 11. The form of licence for exchanges is deleted as obsolete. Exchanges are licensed in the same way as insurers.

SECTION 12. The purpose of the amendment is to require farm mutual insurance to be sold through licensed agents.

SECTION 13. The reference to the fee of \$10 for a salesman's licence is deleted and added to the fees prescribed in Schedule A by section 18 of this Bill.

SECTION 14. The amendment extends control over licensing of non-resident brokers and adjusters.

10.—(1) Subsection 1 of section 256 of the said Act is amended by striking out “twenty-one” in the third line and inserting in lieu thereof “eighteen”. ^{s. 256 (1), amended}

(2) Subsection 2 of the said section 256 is repealed. ^{s. 256 (2), repealed}

11. Subsection 1 of section 331 of the said Act is amended by striking out “in accordance with the form in Schedule C hereto” in the second and third lines. ^{s. 331 (1), amended}

12. Subsection 15 of section 342 of the said Act is repealed and the following substituted therefor: ^{s. 342 (15), re-enacted}

- (15) A member of a duly licensed pension fund association, other than a salaried employee who receives commission, may, without a licence, solicit persons to become members of said association. ^{Members of insurance corporations}

13. Subsection 3 of section 343 of the said Act is amended by striking out “a fee of \$10” in the fourth line and inserting in lieu thereof “the prescribed fee”. ^{s. 343 (3), amended}

14. Section 353 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 84, section 19, is further amended by adding thereto the following subsections: ^{s. 353, amended}

- (2a) No licence shall be issued to a corporation that carries on business as an insurance agent, broker, or adjuster, if the majority of its issued and outstanding shares that entitles the holder to any voting rights are owned beneficially or otherwise by a non-resident of Canada unless such corporation was so licensed on the 27th day of April, 1972. ^{Prohibition on licensing non-residents}

- (2b) For the purpose of this section, non-resident means, ^{Definition of non-resident}

- (a) an individual who is not ordinarily resident in Canada;
- (b) a company incorporated, formed or otherwise organized, elsewhere than in Canada;
- (c) a company that is controlled directly or indirectly by non-residents as determined in clause *a* or *b*;
- (d) a trust established by a non-resident as defined in clause *a*, *b* or *c*, or a trust in which non-residents, as so defined, have more than 50 per cent of the beneficial interest; or

(e) a company that is controlled directly or indirectly by a trust mentioned in clause *d*.

Prohibition
of a non-
resident to
amalgamate

(2c) A corporation that was licensed as an agent, broker or adjuster, on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a licence if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other licensed agent, broker or adjuster.

s. 356 (3),
re-enacted

15. Subsection 3 of section 356 of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Nothing in this section affects any payment by way of dividend, bonus, profit or savings that is provided for by the policy, or shall be construed so as to prevent an insurer compensating a *bona fide* salaried employee of its head office or branch office in respect of insurance issued by the employing insurer upon the life of such employee or upon the employee's property or interests in Ontario or so as to require that such employee shall be licensed as an agent under this Act to affect such insurance.

Sched. A,
amended

16. Schedule A to the said Act is amended by adding thereto the following item:

17a. Licences for salesmen 10

Sched. C,
repealed

17. Schedule C to the said Act is repealed.

1971 Act,
amended

18. Section 27 of *The Insurance Amendment Act, 1971*, being chapter 84, is repealed and the following substituted therefor:

Application
of s. 231

27.—(1) Sections 14 and 15 apply to all contracts evidenced by motor vehicle liability policies made or renewed after the 1st day of January, 1972, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of January, 1972, shall be deemed to contain the benefits, limits, terms and conditions set forth in Schedule E as of that date in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

SECTION 15. The amendment permits casualty insurers to provide their salaried employees with standard insurance coverages at a reduced rate in the form of an additional fringe benefit.

SECTION 16. Complementary to section 13 of this Bill.

SECTION 17. Complementary to section 11 of this Bill.

SECTION 18. The amendment confirms the original intention that the mandatory automobile benefits enacted in 1971 take effect for all contracts on and after the 1st day of January, 1972.

- (2) Nothing in this section shall be applied to affect^{Application} any settlement or payment of a claim that has been made in connection with an accident occurring before the 1st day of January, 1972.

19.—(1) This Act, except sections 8, 9 and 12, comes into^{Commence-} force on the day it receives Royal Assent.^{ment}

(2) Sections 8, 9 and 12 come into force on a day to be^{Idem} named by the Lieutenant Governor by his proclamation.

20. This Act may be cited as *The Insurance Amendment*^{Short title} Act, 1972.

An Act to amend
The Insurance Act

1st Reading

April 27th, 1972

2nd Reading

3rd Reading

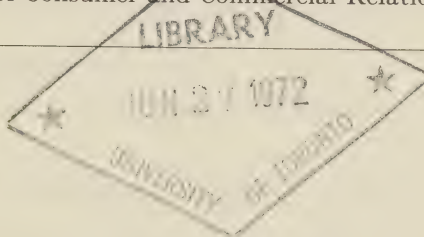
THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Insurance Act

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment extends the definition of hail insurance to cover crops in the field after they are cut.

Subsection 2. The amendment to the definition of marine insurance is complementary to a Bill to amend *The Marine Insurance Act* extending coverage to voyages solely on inland waters and to incidental air risks.

Subsection 3. Fees for administration costs and other servicing charges are included in the term premium and counted in the computation of premium tax.

BILL 96

1972

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 26 of section 1 of *The Insurance Act*, ^{s. 1, par. 26, re-enacted} being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

26. “hail insurance” means insurance against loss of or damage to crops in the field, whether growing or cut, caused by hail.

(2) Paragraph 38 of the said section 1 is repealed and ^{s. 1, par. 38, re-enacted} the following substituted therefor:

38. “marine insurance” means insurance against,

(a) liability arising out of,

(i) bodily injury to or death of a person,
or

(ii) the loss of or damage to properties; or

(b) the loss of or damage to property,

occurring during a voyage or marine adventure at sea or on an inland waterway or during delay incidental thereto, or during transit otherwise than by water incidental to such a voyage or marine adventure.

(3) Paragraph 52 of the said section 1 is repealed and ^{s. 1, par. 52, re-enacted} the following substituted therefor:

52. “premium” means the single or periodical payment under a contract for insurance, and includes dues, assessments, administration fees paid for the administration or servicing of such contract, and other considerations.

s. 16 (1),
amended

2. Subsection 1 of section 16 of the said Act is amended by inserting after "upon" in the third line "the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon", so that the subsection shall read as follows:

Service of
notice or
process on
chief agent

- (1) Where the head office of a licensed insurer is situate out of Ontario, notice or process in any action or proceeding in Ontario may be served upon the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon the Superintendent and such service shall be deemed service upon the insurer in the case of a corporation and upon members of the insurer in the case of an unincorporated body or association.

s. 30 (1),
amended

3. Subsection 1 of section 30 of the said Act is amended by adding thereto the following paragraph:

- 3a. If the head office of the insurer is out of Ontario, a power of attorney from the insurer to an agent resident in Ontario.

s. 32a,
enacted

4. The said Act is amended by adding thereto the following section:

Appointment
of chief
agent

- 32a.—(1) Where an insurer makes application for a licence, or a renewal of its licence, and has its head office outside Ontario, the application shall be accompanied by an executed copy of a power of attorney from the insurer to a chief agent resident in Ontario.

Execution
of power of
attorney

- (2) The power of attorney shall be under the seal of the insurer, and shall be signed by the president and secretary or other proper officers of the insurer in the presence of a witness who shall make oath as to its due execution.

Authentica-
tion

- (3) The official positions held by the officers signing the power of attorney shall be verified by an oath of a person cognizant of the fact.

Contents of
power of
attorney

- (4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is and shall expressly authorize the chief agent to receive service of process in all actions and proceedings against the insurer in Ontario for any liability incurred by the insurer therein, and also to receive from the Superintendent all notices that the law requires to be given, or that it is thought advisable

SECTIONS 2, 3, AND 4. The amendment requires insurers having head offices outside Ontario to appoint a chief agent in Ontario for the purposes of dealing with the Superintendent as attorney for the insurer.

SECTION 5. The age of consent for beneficiaries under a life insurance contract is changed from 21 years to 18.

SECTIONS 6, 7. The amendments recognize 18 years as the age of majority.

SECTION 8. The prohibition against driving while under the influence of liquor or drugs is removed for insurance purposes.

to give, and shall declare that service of process for or in respect of such liability on the chief agent is legal and binding on the insurer.

- (5) The power of attorney may confer upon the chief agent any further or other powers that the insurer considers advisable. Authority conferred
- (6) The production of a copy of the power of attorney certified by the Superintendent is sufficient evidence for all purposes of the power and authority of the person therein named to act on behalf of the insurer in the manner and for the purposes set forth in the certified copy. Effect of copy as evidence
- (7) Where the insurer changes its chief agent in Ontario, it shall, within seven days of the appointment, file with the Superintendent a similar power of attorney, stating the change and containing a similar declaration as to service of process and notices. Changes in chief agent
- (8) After the power of attorney is filed, any process in any action or proceeding against the insurer for liability incurred in Ontario may be validly served on the insurer upon its chief agent, but nothing in this section renders invalid service in any other modes in which the corporation may be lawfully served. Service of process thereafter

5. Clause *b* of section 171 of the said Act is amended by striking out "twenty-one" in the second line and inserting in lieu thereof "eighteen". s. 171 (b), amended

6. Section 176 of the said Act is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "eighteen". s. 176, amended

7. Section 177 of the said Act is repealed. s. 177, repealed

8. Statutory condition 2 in section 205 of the said Act is repealed and the following substituted therefor: s. 205 Stat. cond. 2, re-enacted

**Prohibited
use by
Insured**

2.—(1) The insured shall not drive or operate the automobile,

- (a) unless he is for the time being either authorized by law or qualified to drive or operate the automobile; or
- (b) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

- (c) while he is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (d) for any illicit or prohibited trade or transportation; or
- (e) in any race or speed test.

**Prohibited
use by
others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile,

- (a) by any person,
 - (i) unless that person is for the time being either authorized by law or qualified to drive or operate the automobile, or
 - (ii) while that person is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (b) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

s. 225 (9),
re-enacted

9. Subsection 9 of section 225 of the said Act is repealed and the following substituted therefor:

Defence to
excess limits
claim
relating to
section 217
coverage

- (9) Notwithstanding anything contained therein to the contrary, every contract evidenced by a motor vehicle liability policy shall, for the purposes of this section, be deemed to provide all the types of coverage mentioned in section 217, but the insurer is not liable to a claimant with respect to such coverage in excess of the limits mentioned in section 218.

SECTION 9. The amendment includes gratuitous passengers in the category of third persons in respect of whom there is full coverage.

SECTION 10. The amendments recognize 18 years as the age of majority.

SECTION 11. The form of licence for exchanges is deleted as obsolete. Exchanges are licensed in the same way as insurers.

SECTION 12. The purpose of the amendment is to require farm mutual insurance to be sold through licensed agents.

SECTION 13. The reference to the fee of \$10 for a salesman's licence is deleted and added to the fees prescribed in Schedule A by section 18 of this Bill.

SECTION 14. The amendment extends control over licensing of non-resident brokers and adjusters.

10.—(1) Subsection 1 of section 256 of the said Act is amended by striking out “twenty-one” in the third line and inserting in lieu thereof “eighteen”. s. 256 (1),
amended

(2) Subsection 2 of the said section 256 is repealed. s. 256 (2),
repealed

11. Subsection 1 of section 331 of the said Act is amended by striking out “in accordance with the form in Schedule C hereto” in the second and third lines. s. 331 (1),
amended

12. Subsection 15 of section 342 of the said Act is repealed and the following substituted therefor: s. 342 (15),
re-enacted

(15) A member of a duly licensed pension fund association, other than a salaried employee who receives commission, may, without a licence, solicit persons to become members of said association. Members of
insurance
corporations

13. Subsection 3 of section 343 of the said Act is amended by striking out “a fee of \$10” in the fourth line and inserting in lieu thereof “the prescribed fee”. s. 343 (3),
amended

14. Section 353 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 84, section 19, is further amended by adding thereto the following subsections: s. 353,
amended

(2a) No licence shall be issued to a corporation that carries on business as an insurance agent, broker, or adjuster, if the majority of its issued and outstanding shares that entitles the holder to any voting rights are owned beneficially or otherwise by a non-resident of Canada unless such corporation was so licensed on the 27th day of April, 1972. Prohibition
on licensing
non-
residents

(2b) For the purpose of this section, non-resident means, Definition
of non-
resident

(a) an individual who is not ordinarily resident in Canada;

(b) a company incorporated, formed or otherwise organized, elsewhere than in Canada;

(c) a company that is controlled directly or indirectly by non-residents as determined in clause *a* or *b*;

(d) a trust established by a non-resident as defined in clause *a*, *b* or *c*, or a trust in which non-residents, as so defined, have more than 50 per cent of the beneficial interest; or

(e) a company that is controlled directly or indirectly by a trust mentioned in clause *d*.

Prohibition
of a non-
resident to
amalgamate

(2c) A corporation that was licensed as an agent, broker or adjuster, on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a licence if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other licensed agent, broker or adjuster.

s. 356 (3),
re-enacted

15. Subsection 3 of section 356 of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Nothing in this section affects any payment by way of dividend, bonus, profit or savings that is provided for by the policy, or shall be construed so as to prevent an insurer compensating a *bona fide* salaried employee of its head office or branch office in respect of insurance issued by the employing insurer upon the life of such employee or upon the employee's property or interests in Ontario or so as to require that such employee shall be licensed as an agent under this Act to affect such insurance.

Sched. A,
amended


16. Schedule A to the said Act is amended by adding thereto the following item:

17a. Licences for salesmen..... 10

Sched. C,
repealed

17. Schedule C to the said Act is repealed.

Sched. E,
amended

 **18.**—(1) Schedule E to the said Act, as enacted by the Statutes of Ontario, 1971, chapter 84, section 26 and amended by O. Reg. 540/71, is further amended by striking out the first paragraph under the heading "Accident Benefits Section" and substituting therefor the following:

The Insurer agrees to pay to or with respect to each insured person as defined in this section who sustains bodily injury or death by an accident arising out of the use or operation of an automobile.

Sched. E,
subs. (2),
amended

(2) Subparagraph 2 of paragraph B of Part 1 of subsection 2 of the said Schedule E, as remade by section 2 of O. Reg. 540/71, is repealed and the following substituted therefor:

SECTION 15. The amendment permits casualty insurers to provide their salaried employees with standard insurance coverages at a reduced rate in the form of an additional fringe benefit.

SECTION 16. Complementary to section 13 of this Bill.

SECTION 17. Complementary to section 11 of this Bill.

 SECTION 18. The section incorporates amendments to Schedule E made by O. Reg. 540/71 under section 95 (3) (*aa*) of the Act. 

SECTION 19. The amendment confirms the original intention that the mandatory automobile benefits enacted in 1971 take effect for all contracts on and after the 1st day of January, 1972.

- (2) a deceased person whose only surviving dependants are his parents or the parents of his spouse shall be deemed a head of household if such parents, at the date of the accident, were residing in the same dwelling premises as the deceased person and were principally dependent upon him for financial support.

(3) Clause *a* of subparagraph 3 of paragraph B of Part 1 of subsection 2 of the said Schedule E, as remade by section 3 of O. Reg. 540/71, is repealed and the following substituted therefor:

- (a) under the age of 21 years and who resides with and is wholly dependent upon the head of the household for financial support; or

(4) Clauses *a* and *b* of subparagraph 3 of subsection 3 of the said Schedule E, as remade by section 4 of O. Reg. 540/71, are repealed and the following substituted therefor:

- (a) give written notice of claim to the Insurer by delivery thereof or by sending it by registered mail to the chief agency or head office of the Insurer in the Province, within 30 days from the date of the accident or as soon as practicable thereafter;
- (b) within 90 days from the date of the accident for which the claim is made, or as soon as practicable thereafter, furnish to the Insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident and the loss occasioned thereby.

(5) Subparagraph 8 of subsection 3 of the said Schedule E, as made by section 5 of O. Reg. 540/71, is repealed and the following substituted therefor:

(8) *Limitation on benefit payable*

Where a person is entitled to benefits under more than one contract providing insurance of the type set forth in subsection 2, he or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act*, may recover only an amount equal to one benefit.

19. Section 27 of *The Insurance Amendment Act, 1971* being chapter 84, is repealed and the following substituted therefor:

Application
of s. 231

27.—(1) Sections 14 and 15 apply to all contracts evidenced by motor vehicle liability policies made or renewed after the 1st day of January, 1972, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of January, 1972, shall be deemed to contain the benefits, limits, terms and conditions set forth in Schedule E as of that date in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

Application

(2) Nothing in this section shall be applied to affect any settlement or payment of a claim that has been made in connection with an accident occurring before the 1st day of January, 1972.

Commence-
ment

20.—(1) This Act, except sections 8, 9, 12 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 8, 9 and 12 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(3) Section 18 shall be deemed to have come into force on the 28th day of July, 1971.

Short title

21. This Act may be cited as *The Insurance Amendment Act, 1972*.

An Act to amend
The Insurance Act

1st Reading

April 27th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

(*Reprinted as amended by the
Committee of the Whole House*)

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An Act to amend The Insurance Act



THE HON. E. WINKLER
Minister of Consumer and Commercial Relations

BILL 96

1972

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 26 of section 1 of *The Insurance Act*, ^{s. 1, par. 26, re-enacted} being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

26. “hail insurance” means insurance against loss of or damage to crops in the field, whether growing or cut, caused by hail.

(2) Paragraph 38 of the said section 1 is repealed and ^{s. 1, par. 38, re-enacted} the following substituted therefor:

38. “marine insurance” means insurance against,

(a) liability arising out of,

(i) bodily injury to or death of a person,
or

(ii) the loss of or damage to properties; or

(b) the loss of or damage to property,

occurring during a voyage or marine adventure at sea or on an inland waterway or during delay incidental thereto, or during transit otherwise than by water incidental to such a voyage or marine adventure.

(3) Paragraph 52 of the said section 1 is repealed and ^{s. 1, par. 52, re-enacted} the following substituted therefor:

52. “premium” means the single or periodical payment under a contract for insurance, and includes dues, assessments, administration fees paid for the administration or servicing of such contract, and other considerations.

s. 16 (1),
amended

2. Subsection 1 of section 16 of the said Act is amended by inserting after "upon" in the third line "the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon", so that the subsection shall read as follows:

Service of
notice or
process on
chief agent

- (1) Where the head office of a licensed insurer is situate out of Ontario, notice or process in any action or proceeding in Ontario may be served upon the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon the Superintendent and such service shall be deemed service upon the insurer in the case of a corporation and upon members of the insurer in the case of an unincorporated body or association.

s. 30 (1),
amended

3. Subsection 1 of section 30 of the said Act is amended by adding thereto the following paragraph:

- 3a. If the head office of the insurer is out of Ontario, a power of attorney from the insurer to an agent resident in Ontario.

s. 32a,
enacted

4. The said Act is amended by adding thereto the following section:

Appointment
of chief
agent

- 32a.—(1) Where an insurer makes application for a licence, or a renewal of its licence, and has its head office outside Ontario, the application shall be accompanied by an executed copy of a power of attorney from the insurer to a chief agent resident in Ontario.

Execution
of power of
attorney

- (2) The power of attorney shall be under the seal of the insurer, and shall be signed by the president and secretary or other proper officers of the insurer in the presence of a witness who shall make oath as to its due execution.

Authentica-
tion

- (3) The official positions held by the officers signing the power of attorney shall be verified by an oath of a person cognizant of the fact.

Contents of
power of
attorney

- (4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is and shall expressly authorize the chief agent to receive service of process in all actions and proceedings against the insurer in Ontario for any liability incurred by the insurer therein, and also to receive from the Superintendent all notices that the law requires to be given, or that it is thought advisable

to give, and shall declare that service of process for or in respect of such liability on the chief agent is legal and binding on the insurer.

- (5) The power of attorney may confer upon the chief agent any further or other powers that the insurer considers advisable. Authority conferred
- (6) The production of a copy of the power of attorney certified by the Superintendent is sufficient evidence for all purposes of the power and authority of the person therein named to act on behalf of the insurer in the manner and for the purposes set forth in the certified copy. Effect of copy as evidence
- (7) Where the insurer changes its chief agent in Ontario, it shall, within seven days of the appointment, file with the Superintendent a similar power of attorney, stating the change and containing a similar declaration as to service of process and notices. Changes in chief agent
- (8) After the power of attorney is filed, any process in any action or proceeding against the insurer for liability incurred in Ontario may be validly served on the insurer upon its chief agent, but nothing in this section renders invalid service in any other modes in which the corporation may be lawfully served. Service of process thereafter

5. Clause *b* of section 171 of the said Act is amended by striking out "twenty-one" in the second line and inserting in lieu thereof "eighteen". s. 171 (b), amended

6. Section 176 of the said Act is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "eighteen". s. 176, amended

7. Section 177 of the said Act is repealed.

s. 177,
repealed

8. Statutory condition 2 in section 205 of the said Act is repealed and the following substituted therefor:

s. 205
Stat. cond. 2,
re-enacted

**Prohibited
use by
Insured**

2.—(1) The insured shall not drive or operate the automobile,

- (a) unless he is for the time being either authorized by law or qualified to drive or operate the automobile; or
- (b) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

- (c) while he is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (d) for any illicit or prohibited trade or transportation; or
- (e) in any race or speed test.

**Prohibited
use by
others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile,

- (a) by any person,
 - (i) unless that person is for the time being either authorized by law or qualified to drive or operate the automobile, or
 - (ii) while that person is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (b) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

s. 225 (9),
re-enacted

9. Subsection 9 of section 225 of the said Act is repealed and the following substituted therefor:

Defence to
excess limits
claim
relating to
section 217
coverage

- (9) Notwithstanding anything contained therein to the contrary, every contract evidenced by a motor vehicle liability policy shall, for the purposes of this section, be deemed to provide all the types of coverage mentioned in section 217, but the insurer is not liable to a claimant with respect to such coverage in excess of the limits mentioned in section 218.

10.—(1) Subsection 1 of section 256 of the said Act is ^{s. 256 (1),} amended by striking out “twenty-one” in the third line and inserting in lieu thereof “eighteen”.

(2) Subsection 2 of the said section 256 is repealed. ^{s. 256 (2),} repealed

11. Subsection 1 of section 331 of the said Act is amended ^{s. 331 (1),} by striking out “in accordance with the form in Schedule C hereto” in the second and third lines. ^{amended}

12. Subsection 15 of section 342 of the said Act is repealed ^{s. 342 (15),} and the following substituted therefor: ^{re-enacted}

- (15) A member of a duly licensed pension fund association, ^{Members of} other than a salaried employee who receives com- ^{insurance} mission, may, without a licence, solicit persons to ^{corporations} become members of said association.

13. Subsection 3 of section 343 of the said Act is amended ^{s. 343 (3),} by striking out “a fee of \$10” in the fourth line and inserting ^{amended} in lieu thereof “the prescribed fee”.

14. Section 353 of the said Act, as amended by the ^{s. 353,} Statutes of Ontario, 1971, chapter 84, section 19, is further ^{amended} amended by adding thereto the following subsections:

- (2a) No licence shall be issued to a corporation that carries ^{Prohibition} on business as an insurance agent, broker, or adjuster, ^{on licensing} if the majority of its issued and outstanding shares ^{non-} that entitles the holder to any voting rights are ^{residents} owned beneficially or otherwise by a non-resident of Canada unless such corporation was so licensed on the 27th day of April, 1972.

(2b) For the purpose of this section, non-resident means, ^{Definition} of non-
resident

- (a) an individual who is not ordinarily resident in Canada;
- (b) a company incorporated, formed or otherwise organized, elsewhere than in Canada;
- (c) a company that is controlled directly or indirectly by non-residents as determined in clause *a* or *b*;
- (d) a trust established by a non-resident as defined in clause *a*, *b* or *c*, or a trust in which non-residents, as so defined, have more than 50 per cent of the beneficial interest; or

(e) a company that is controlled directly or indirectly by a trust mentioned in clause *d*.

Prohibition
of a non-
resident to
amalgamate

(2c) A corporation that was licensed as an agent, broker or adjuster, on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a licence if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other licensed agent, broker or adjuster.

s. 356 (3),
re-enacted

15. Subsection 3 of section 356 of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Nothing in this section affects any payment by way of dividend, bonus, profit or savings that is provided for by the policy, or shall be construed so as to prevent an insurer compensating a *bona fide* salaried employee of its head office or branch office in respect of insurance issued by the employing insurer upon the life of such employee or upon the employee's property or interests in Ontario or so as to require that such employee shall be licensed as an agent under this Act to affect such insurance.

Sched. A,
amended

16. Schedule A to the said Act is amended by adding thereto the following item:

17a. Licences for salesmen 10

Sched. C,
repealed

17. Schedule C to the said Act is repealed.

Sched. E,
amended

18.—(1) Schedule E to the said Act, as enacted by the Statutes of Ontario, 1971, chapter 84, section 26 and amended by O. Reg. 540/71, is further amended by striking out the first paragraph under the heading "Accident Benefits Section" and substituting therefor the following:

The Insurer agrees to pay to or with respect to each insured person as defined in this section who sustains bodily injury or death by an accident arising out of the use or operation of an automobile.

Sched. E,
subs. (2),
amended

(2) Subparagraph 2 of paragraph B of Part 1 of subsection 2 of the said Schedule E, as remade by section 2 of O. Reg. 540/71, is repealed and the following substituted therefor:

- (2) a deceased person whose only surviving dependants are his parents or the parents of his spouse shall be deemed a head of household if such parents, at the date of the accident, were residing in the same dwelling premises as the deceased person and were principally dependent upon him for financial support.

(3) Clause *a* of subparagraph 3 of paragraph B of Part 1 of subsection 2 of the said Schedule E, as remade by section 3 of O. Reg. 540/71, is repealed and the following substituted therefor:

- (a) under the age of 21 years and who resides with and is wholly dependent upon the head of the household for financial support; or

(4) Clauses *a* and *b* of subparagraph 3 of subsection 3 of the said Schedule E, as remade by section 4 of O. Reg. 540/71, are repealed and the following substituted therefor:

- (a) give written notice of claim to the Insurer by delivery thereof or by sending it by registered mail to the chief agency or head office of the Insurer in the Province, within 30 days from the date of the accident or as soon as practicable thereafter;
- (b) within 90 days from the date of the accident for which the claim is made, or as soon as practicable thereafter, furnish to the Insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident and the loss occasioned thereby.

(5) Subparagraph 8 of subsection 3 of the said Schedule E, as made by section 5 of O. Reg. 540/71, is repealed and the following substituted therefor:

(8) *Limitation on benefit payable*

Where a person is entitled to benefits under more than one contract providing insurance of the type set forth in subsection 2, he or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act*, may recover only an amount equal to one benefit.

19. Section 27 of *The Insurance Amendment Act, 1971*, being chapter 84, is repealed and the following substituted therefor:

Application
of s. 231

27.—(1) Sections 14 and 15 apply to all contracts evidenced by motor vehicle liability policies made or renewed after the 1st day of January, 1972, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of January, 1972, shall be deemed to contain the benefits, limits, terms and conditions set forth in Schedule E as of that date in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

Application

(2) Nothing in this section shall be applied to affect any settlement or payment of a claim that has been made in connection with an accident occurring before the 1st day of January, 1972.

Commence-
ment

20.—(1) This Act, except sections 8, 9, 12 and 19, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 8, 9 and 12 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(3) Section 19 shall be deemed to have come into force on the 28th day of July, 1971.

Short title

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An Act to amend
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1st Reading

April 27th, 1972

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3rd Reading

June 21st, 1972

THE HON. E. WINKLER
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